

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 9/4/2017 6:14:11 PM
To: chara.mcmichael@mail.house.gov
Subject: Briefing/request for quote

Chara,

Is the Congressman participating in today's briefing w Senator Cornyn?

If so, would the congressman be willing to provide a quote for a joint press release how EPA is on the ground working w tceq to asses the super fund sites in the area?

Here is the draft r lease

EPA/TCEQ WELCOME NATIONAL NEWS OUTLETS TO SUPERFUND SITES;
UPDATE LOCAL, NATIONAL LEADERS ON HEALTH, ENVIRONMENTAL EFFECTS OF HARVEY

DALLAS (September 4, 2017) – ABC, CBS, CNN, CNBC & Bloomberg news crews joined TCEQ and EPA technical staff on site at Superfund sites around Houston today. The TV crews, following all health and safety requirements of site managers, shadowed the work of TCEQ and EPA technical experts on the ground at three Superfund sites: U.S. Oil Recovery, Acid Pits and the San Jacinto Waste Pits.

Crews were able to take videos, photographs and talk directly with technical staff and subject matter experts on the ground. Boats were on the water determining impacts at the temporary armored cap in the San Jacinto River, to provide access to the crews.

[TCEQ quote from Bryan Shaw]

“We are working directly with those responsible for the on-going cleanup of Superfund sites to ensure that we have the most up-to-date information about health and environmental risks to the community from the effects of hurricane Harvey, especially at Superfund sites affected by the storm,” said EPA Regional 6 Acting Associate Administrator Sam Coleman.

In addition to taking news crews on site today, EPA Acting Regional Director Sam Coleman and TCEQ Chairman Bryan Shaw provided an update of their joint efforts to assess the health and environmental impacts of Hurricane Harvey to a local, state and federal officials. The discussion with local officials included: Harris County Judge Ed Emmett, Executive Director of the Harris County Flood Control District (HCFCD) Russ Poppe, Harris County Engineer and Director of Public Infrastructure John Blount and Dr. Umair Shah from the Harris County Public Health Department.

National participants included: officials and experts from the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (USACE) and the United States Department of Housing and Urban Development (HUD). Together, they provided updates to and answered questions from U.S. Senator John Cornyn, U.S. House of Representative Majority Leader Kevin McCarthy, U.S. Congressman Randy Weber and other government officials at the Harris County Emergency Operations Center in Houston.

An additional briefing with Houston Mayor Sylvester Turner is scheduled for Tuesday morning.

As of Sunday, September 3rd, EPA staff was imbedded in Mayor Turner's office to provide continued communication among local, state and federal officials. EPA and TCEQ remain in constant communication with Governor Abbott's office.

[Governor's Office Quote]

[MoC Quote]

[Mayor Quote]

In addition, TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data. That information is being analyzed by experts now and will be provided to the public as soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials.

Sent from my iPhone

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 7/6/2017 8:37:11 PM
To: andrew_forbes@inhofe.senate.gov; michelle_altman@lankford.senate.gov; joseph.kaufman@mail.house.gov; jonathan.gray@mail.house.gov; stacey.glasscock@mail.house.gov; maria.bowie@mail.house.gov; alex.hutkin@mail.house.gov
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: EPA Grant Award

I am writing to inform you that the following US EPA grant from your state/district has been signed:

\$388,386 OK Dept of Env Quality - Superfund Site Cleanup - Oklahoma Refining Company, Operable Unit - 2 (OU-2)

This program helps the State of Oklahoma conduct site characterization activities at a confirmed hazardous waste site, undertake response planning and implementation actions to clean up the hazardous waste site that poses hazards to human health. This amendment increases funding by \$388,386 for Remedial Design (RD) activities, \$242,259 for a landfill geotechnical investigation and \$146,127 for storm water management design work.

Grant No: 00F81801-7

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: (202) 760-0546

Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 8/25/2017 8:42:09 PM
To: andrew_forbes@inhofe.senate.gov; michelle_altman@lankford.senate.gov; joseph.kaufman@mail.house.gov; jonathan.gray@mail.house.gov; stacey.glasscock@mail.house.gov; maria.bowie@mail.house.gov; alex.hutkin@mail.house.gov
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: EPA Grant Award

I am writing to inform you that the following US EPA grant from your state/district has been signed:

\$125,000 Pawnee Nation of Oklahoma Pawnee Nation of Oklahoma GAP FY15-18

The objectives of this project are to develop the capability to manage specific programs and establish a core program for environmental protection. The specific project activities include building environmental capacity to manage an environmental department, build wetland program, manage solid/hazardous waste, and staff training.

Grant No: 00F86401-2

\$150,400 Osage Nation Osage Nation Underground Injection (UIC) Program

The Osage Nation will carry out activities necessary to permit and monitor the construction and operation of underground Injection wells in a manner that protects human health & underground sources of drinking water in the Osage Nation, Oklahoma. The Osage Nation will conduct well testing and inspecting, enforcement and compliance, and permitting of injection wells.

Grant No: 01F23501-4

\$10,712,000 OK WRB - Oklahoma Water Resources Board Clean Water State Revolving Fund (CWSRF)

These funds will be used by the State of Oklahoma to provide loans and other types of financial assistance (not grants) to local communities and intermunicipal and interstate agencies for wastewater improvements. The effect of the financing will be improved water quality in streams, lakes, rivers and bays, with resulting benefits to aquatic life and for use as drinking water sources; and/or elimination of disease from health hazards like raw sewage discharges.

Grant No: 40000217-0

\$100,000 OK DEQ - OK Dept of Env Quality Superfund Tar Creek Operable Unit (OU-2) Remedial Design (RD)

This project provides funding for conducting site characterization activities at potential or confirmed hazardous waste sites. Also, undertakes response planning and implementation actions at referenced sites listed on the National Priorities List (NPL).

Grant No: 00F95901-4

\$65,200 Oklahoma Corporation Commission OCC Brownfields 128a State Response Program

This project provides funding for the Oklahoma Corporation Commission's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.

Grant No: 00F69301-7

\$145,000 OK DEQ - OK Dept of Env Quality ODEQ Brownfields 128a State Response Program

This project provides funding for the Oklahoma Department of Environmental Quality's response program that includes timely survey and inventory of Brownfields sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.

Grant No: 00F70401-7

\$339,500 OK DEQ - OK Dept of Env Quality Superfund Consolidated 3

This project provides funding to ODEQ to supplement their Core, Site Assessment, and Management Assistance Programs, to conduct site characterization activities at potential hazardous waste sites, and to effectively implement the statutory requirement of CERCLA 121(f) which mandates substantial and meaningful State involvement. This award will also extend the project and budget period to 06/30/2018.

Grant No: 01F02701-4

\$13,279,000 OK DEQ - OK Dept of Env Quality Drinking Water State Revolving Fund (DWSRF)

To provide federal funds to the State of Oklahoma for the purpose of providing loan assistance to eligible public water systems for infrastructure improvements needed to ensure safe drinking water and to provide funds for the following types of set-aside activities: Administrative, Small Systems Technical Assistance, Local Assistance and State Programs Management.

Grant No: 98681417-0

\$25,000 Kickapoo Tribe of Oklahoma Kickapoo Tribe of OK 128a Tribal Response Program

This project provides funding for the Kickapoo Tribe of Oklahoma's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.

Grant No: 01F07501-3

\$45,656 Absentee Shawnee Tribe of Indians of Oklahoma Absentee Shawnee 128a Tribal Response Program

This project provides funding for the Absentee Shawnee Tribe's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.

Grant No: 00F74701-7

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: (202) 760-0546

Shimmin.Kaitlyn@epa.gov

Message

From: Gray, David [gray.david@epa.gov]
Sent: 9/1/2017 1:27:56 AM
To: Martindale, Cary [martindale.cary@epa.gov]; mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Martindale, Cary [martindale.cary@epa.gov]
Subject: EPA/TCEQ STATEMENT ON RISK OF ADDITIONAL FIRES AT ARKEMA FACILITY IN CROSBY, TX

EPA/TCEQ STATEMENT ON RISK OF ADDITIONAL FIRES AT ARKEMA FACILITY IN CROSBY, TX

WASHINGTON — The U.S. Environmental Protection Agency (EPA) and the Texas Commission for Environmental Quality (TCEQ) released the following statement with regard to additional chemical fires expected in the near future at the Arkema facility in Crosby, Texas:

“It is the understanding of the personnel on the ground that the remaining eight trailers holding chemicals at Arkema’s facility in Crosby, Texas are at risk of catching fire over the next few days. The refrigeration units have been compromised due to the massive flooding and therefore we expect these containers to catch fire similar to the way the first trailer did last night.

“First responders are outside the evacuation zone, but in remain the area, for quick response to ensure the safety of the community around the facility. After assessing the situation, local, state and federal response managers concluded that the safest course of action was to allow the remaining containers to catch fire, rather than try to send people to move them or put firefighters and first responders directly in harm’s way.

“We continue to monitor smoke and air quality; the potential for additional fires in the area; and, have aerial assets ready to be deployed, as needed. Everyone in the area should follow the safety instruction of local authorities, specifically staying out of the evacuation zone, avoiding smoke and flood waters.”

Additional Background:

As with all smoke, people can limit the potential for adverse health effects by limiting their exposure. This includes staying indoors with doors and windows closed and running the air conditioning (if possible) with the fresh intake closed. If it is absolutely necessary to be outdoors, try to move out of the plume of smoke and minimize heavy work, exercise, or children’s playtime.

Today, one of nine refrigerated trailers of organic peroxide caught fire at the Arkema facility in Crosby, Texas. Following this fire, EPA sent aerial surveillance aircraft to test resulting smoke and did ground-level air

quality monitoring. EPA's plane instrumentation is capable of measuring 78 different chemicals, including peroxides. Neither testing methods found toxic concentration levels in areas away from the evacuated facility.

Local officials are maintaining a 1.5-mile area of evacuation to assure that the public is protected. Air monitoring has confirmed that this is sufficient based on current conditions and anticipated events.

EPA and TCEQ are providing direct support to Michael Sims, Incident Commander, Crosby Volunteer Fire Department and Chief Bob Royall, of the Harris County Fire Marshal's Office who are leading a coordinated local, state and federal effort as part of the Unified Command to control the fire at the Arkema facility in Crosby, Texas.

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Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
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CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Acevedo, Janie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ff0c4562a564166ba7a9d0792a26526-Acevedo, Janie]
Subject: EPA Harvey Louisiana Fuel Waiver
Attachments: EPA_H_Harvey_Press_Release_LA_Fuel_Waiver_8_28_2017.pdf

CONTACT: press@epa.gov

ED_014615_00000005-00001

EPA Approves Emergency Fuel Waiver for Louisiana

WASHINGTON (August 28, 2017) — Following Hurricane Harvey's landfall, Environmental Protection Agency (EPA) Administrator Scott Pruitt has approved an emergency fuel waiver for areas of Louisiana affected by the storm. EPA has waived the requirement for low Reid vapor pressure (RVP) gasoline for the 16 parishes in the state where low-RVP fuel is required to be sold during the summer ozone season. The waiver will allow the use of higher-RVP gasoline to be sold in these parishes through September 15.

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry, at the request of Louisiana Department of Environmental Quality Secretary Chuck Carr Brown, on behalf of Governor John Bel Edwards.

As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey, and will act expeditiously if extreme and unusual supply circumstances exist in other areas of the state.

To mitigate any impacts on air quality the Clean Air Act provides strict criteria for when fuel waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

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More information: www.epa.gov/enforcement/fuel-waivers



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From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 8/25/2017 8:44:35 PM
To: andrew.keyes@mail.house.gov; thomas.hester@mail.house.gov; matthew.russell@mail.house.gov; ben.kochman@mail.house.gov; michael.seeds@mail.house.gov; sarah.noack@mail.house.gov; julie.merberg@mail.house.gov; aaron.woolf@mail.house.gov; eric.gustafson@mail.house.gov; glenn.rushing@mail.house.gov; benjamin.cantrell@mail.house.gov; tim.tarpley@mail.house.gov; ben.thomas@mail.house.gov; ags@mail.house.gov; richard.england@mail.house.gov; matthew.haskins@mail.house.gov; john.deoudes@mail.house.gov; matthew.haskins@mail.house.gov; sean.dillon@mail.house.gov; james.decker@mail.house.gov; blake.adami@mail.house.gov; ryan.ehly@mail.house.gov; sergio.espinosa@mail.house.gov; jett.thompson@mail.house.gov; murat.gokcigdem@mail.house.gov; grady.bourn@mail.house.gov; jennifer.choudhry@mail.house.gov; ashley.baker@mail.house.gov; michael.mucchetti@mail.house.gov; ben.couhig@mail.house.gov; emily.leviner@mail.house.gov; janelle.relfе@mail.house.gov; krista.rosenthal@mail.house.gov; corey.inglee@mail.house.gov; sahra.su@mail.house.gov; amena.ross@mail.house.gov; stephen_tausend@cornyn.senate.gov; steve_chartan@cruz.senate.gov; Thaddeus.Woody@mail.house.gov; Hannah.Jaeckle@mail.house.gov
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
Subject: EPA Grant Award

I am writing to inform you that the following US EPA grant from your state/district has been signed:

\$1312000 TX TCEQ - Texas Commission on Environmental Quality TCEQ FY18 LUST Prevention Program

This agreement provides assistance to the recipient to operate a state program to protect against leaks from underground storage tank systems. Activities include: Energy Policy Act (EPA) related release prevention activities such as secondary containment and operator training; supporting states with inspections (including training inspectors), enforcement, and compliance assurance activities related for federally-regulated underground storage tank (UST) systems; and database management activities related to release prevention.

Grant No: 00640512-0

\$50000 TX RRCTX - Railroad Commission of Texas TX RRC Brownfields 128a State Response Program

This project provides funding for the Railroad Commission of Texas's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses. Additionally RRCTX plans to conduct site specific assessment and/or cleanup activities, outreach activities and technical assistance.

Grant No: 00F68001-7

\$175000 TX TCEQ - Texas Commission on Environmental Quality TCEQ Brownfields 128a State Response Program

This project provides funding for the Texas Commission on Environmental Quality's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.

Grant No: 00F67501-8

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: (202) 760-0546

Shimmin.Kaitlyn@epa.gov

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 9/3/2017 8:47:33 PM
To: Martindale, Cary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=405ee458fb9841ff8cdf8a6f1135341-Martindale, Cary]; mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langle@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
CC: Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; White, Terri-A [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e31831b01a414cf2a400d6399725cea0-Twhite03]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: US EPA: Arkema Report Update

EPA/TCEQ statement on controlled ignition of trailers at Arkema facility in Crosby

The U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality released the following statement along with Unified Command regarding the decision to conduct a controlled ignition of remaining trailers at Arkema's facility in Crosby:

It is the understanding of personnel on the ground that the remaining trailers are at risk of catching fire over the next few days. Rather than risk additional damage to the facility or spreading into the surrounding area, the Crosby Volunteer Fire Department and the Harris County Fire Marshal's Office will perform a controlled burn of the material.

First responders are outside the evacuation zone, but remain in the area, for quick response to ensure the safety of the community around the facility.

We continue to monitor smoke and air quality, the potential for additional fires in the area, and have aerial assets ready to be deployed, as needed. Everyone in the area should follow the safety instruction of local authorities, specifically staying out of the evacuation zone, avoiding smoke and flood waters.

Additional Background:

As with all smoke, people can limit the potential for adverse health effects by limiting their exposure. This includes staying indoors with doors and windows closed and running the air conditioning (if possible) with the fresh intake closed. If it is absolutely necessary to be outdoors, try to move out of the plume of smoke and minimize heavy work, exercise, or children's playtime.

As of Sunday, Sept. 3, multiple trailers of organic peroxide caught fire following the refrigeration units being compromised by catastrophic flood waters. EPA has been sending aerial surveillance aircraft to test resulting smoke and continues to do ground-level air quality monitoring. EPA's plane instrumentation is capable of measuring 78 different chemicals, including peroxides. Neither testing methods found toxic concentration levels in areas away from the evacuated facility.

Local officials are maintaining a 1.5-mile area of evacuation to assure that the public is protected. Air monitoring has confirmed that this is sufficient based on current conditions and anticipated events.

The EPA and the TCEQ are providing direct support to incident commander Michael Sims of the Crosby Volunteer Fire Department and Chief Bob Royall of the Harris County Fire Marshal's Office, who are leading a coordinated local, state, and federal effort as part of the Unified Command to control the fire at the Arkema facility in Crosby.

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From: Martindale, Cary

Sent: Thursday, August 31, 2017 4:41 PM

To: mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov;

beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
Cc: Gray, David <gray.david@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: US EPA: Arkema Report

EPA's RMP Rule continues to be in effect and is an important safety rule that requires facilities that use extremely hazardous substances to develop plans that identify potential effects of a chemical accident, identify steps a facility is doing to prevent an accident, and spell out emergency response procedures, should an accident occur. The 2017 RMP Amendments revised several accident prevention requirements as well as what must be communicated to local authorities and the public, however, none of the major amendments would have been effective until March 2018 and most well after that. The Agency's recent action to delay the effectiveness of the 2017 Amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire.

Most of the accident prevention and public communication provisions of the 2017 RMP amendments would not have required compliance before March 2021. One provision impacted by the delay of effectiveness would have required annual coordination between the facility and local emergency responders annually starting in March 2018. However, there is an in-effect provision under the current RMP Rule that requires such coordination, and the Arkema Crosby plant had coordinated with its local fire department, according to its filed risk management plan. Therefore, the delay of effectiveness did not impact any steps Arkema would have had to comply with prior to its accident.

The Arkema plant in Crosby has filed a risk management plan under the RMP program and a redacted copy of the facility's report is attached. Federal law mandates that public access to certain elements of a facility's risk management plan be provided in a way that is designed to minimize the risk of harm to public health, welfare and national security.

Frequently Asked Questions:

Does EPA have a list of chemicals of concern at the Arkema Crosby site?

The facility is required to submit a Risk Management Plan because it handles the following chemicals above the regulatory threshold quantity: 2-methylpropene and sulfur dioxide.

Are there other petrochemical facilities in the flooded areas that EPA is monitoring or concerned about? Any others in danger of exploding or catching on fire?

EPA is working with TCEQ to contact industrial sources within the impacted area to determine their operational status and what support can be provided with the monitoring of the start-up of industrial sources along the coast of Texas.

Any enforcement actions taken against Arkema involving its U.S. operations? Details?

No recent EPA RMP enforcement actions have been taken against the Crosby facility.

Please provide a copy of the most recent Risk Management Plan for the Crosby plant. There is reference to a 2014 plan online. Is that the most recent? Do they have to file these things every year?

Facilities are required to submit Risk Management Plans every five years. The 2014 Plan for the Arkema facility is the current plan and it is attached.

I'm just trying to confirm that the Arkema Crosby facility that exploded this morning is covered by the EPA's risk management program?

Please note, this was a fire, not an explosion. Yes, the facility is part of the RMP plan.

And therefore would have had tighter safety rules if the new Risk Management Program rule had gone into effect as originally scheduled in March?

See above.

Why is Arkema allowed to refuse to release the company's federally mandated risk management plan.

RMP-regulated facilities may voluntarily release their risk management plan. Some facilities choose not to release the full plan because portions of the plan contain sensitive security information.

Thanks,

Cary Martindale
US EPA Region 6
Congressional Liaison
Arkansas*Louisiana*Oklahoma
martindale.cary@epa.gov
(214) 665-8147



Message

From: Gray, David [gray.david@epa.gov]
Sent: 9/2/2017 12:43:03 AM
To: Martindale, Cary [martindale.cary@epa.gov]; mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Re: FIRES AT ARKEMA FACILITY

Going out shortly

Contact Information: press@epa.gov

EPA Statement on Expected Fire at Arkema Facility in Crosby, Texas

WASHINGTON (September 1, 2017) -- The U.S. Environmental Protection Agency (EPA) released the following statement regarding an additional chemical fire at the Arkema facility in Crosby, Texas this evening:

"An EPA emergency response surveillance aircraft just flew through the fire at the Arkema plant in Crosby, Texas. The aircraft is monitoring for any airborne toxic chemical. Imagery reviewed in the aircraft clearly shows a strong fire that is west of the building that burned yesterday. Preliminary analysis of data is showing that although the fire has extreme intensity generating smoke, no high levels of toxic chemical have been detected

Everyone in the area should follow the safety instruction of local authorities, specifically staying out of the evacuation zone, and avoiding smoke and flood waters."

Additional background:

It is the understanding of personnel on the ground that the remaining trailers holding chemicals at Arkema's facility in Crosby, Texas are at risk of catching fire over the next few days. The refrigeration units have been compromised due to the massive flooding and therefore we expect these containers to catch fire similar to the way the first trailer did.

First responders are outside the evacuation zone, but in remain the area, for quick response to ensure the safety of the community around the facility. After assessing the situation, local, state and federal response managers concluded that the safest course of action was to allow the remaining containers to catch fire, rather than try to send people to move them or put firefighters and first responders directly in harm's way.

We continue to monitor smoke and air quality; the potential for additional fires in the area; and, have aerial assets ready to be deployed, as needed.

As with all smoke, people can limit the potential for adverse health effects by limiting their exposure. This includes staying indoors with doors and windows closed and running the air conditioning (if possible) with the fresh intake closed. If it is absolutely necessary to be outdoors, try to move out of the plume of smoke and minimize heavy work, exercise, or children's playtime.

On Wednesday, the first of nine refrigerated trailers of organic peroxide caught fire at the Arkema facility in Crosby, Texas. Following this fire, EPA sent aerial surveillance aircraft to test resulting smoke and did ground-level air quality monitoring. EPA's plane instrumentation is capable of measuring 78 different chemicals, including peroxides. Neither testing methods found toxic concentration levels in areas away from the evacuated facility.

Local officials are maintaining a 1.5-mile area of evacuation to assure that the public is protected. Air monitoring has confirmed that this is sufficient based on current conditions and anticipated events.

EPA and TCEQ are providing direct support to Michael Sims, Incident Commander, Crosby Volunteer Fire Department and Chief Bob Royall, of the Harris County Fire Marshal's Office who are leading a coordinated local, state and federal effort as part of the Unified Command to control the fire at the Arkema facility in Crosby, Texas.

The latest information on Crosby, Texas

<http://www.arkema-america.com/en/social-responsibility/incident-page-2/>

Sent from my iPhone

On Sep 1, 2017, at 5:54 PM, Gray, David <gray.david@epa.gov> wrote:

EPA emergency response surveillance aircraft is flying through the current fire at the Arkema plant in Crosby, Texas. The aircraft is monitoring for any airborne toxic chemical and will have information shortly. Everyone in the area should follow the safety instruction of local authorities, specifically staying out of the evacuation zone, avoiding smoke and flood waters.

Sent from my iPhone

On Aug 31, 2017, at 8:27 PM, Gray, David <gray.david@epa.gov> wrote:

EPA/TCEQ STATEMENT ON RISK OF ADDITIONAL FIRES AT ARKEMA FACILITY IN CROSBY, TX

WASHINGTON – The U.S. Environmental Protection Agency (EPA) and the Texas Commission for Environmental Quality (TCEQ) released the following statement with regard to additional chemical fires expected in the near future at the Arkema facility in Crosby, Texas:

“It is the understanding of the personnel on the ground that the remaining eight trailers holding chemicals at Arkema’s facility in Crosby, Texas are at risk of catching fire over the next few days. The refrigeration units have been compromised due to the massive flooding and therefore we expect these containers to catch fire similar to the way the first trailer did last night.

“First responders are outside the evacuation zone, but in remain the area, for quick response to ensure the safety of the community around the facility. After assessing the situation, local, state and federal response managers concluded that the safest course of action was to allow the remaining containers to catch fire, rather than try to send

people to move them or put firefighters and first responders directly in harm's way.

"We continue to monitor smoke and air quality; the potential for additional fires in the area; and, have aerial assets ready to be deployed, as needed. Everyone in the area should follow the safety instruction of local authorities, specifically staying out of the evacuation zone, avoiding smoke and flood waters."

Additional Background:

As with all smoke, people can limit the potential for adverse health effects by limiting their exposure. This includes staying indoors with doors and windows closed and running the air conditioning (if possible) with the fresh intake closed. If it is absolutely necessary to be outdoors, try to move out of the plume of smoke and minimize heavy work, exercise, or children's playtime.

Today, one of nine refrigerated trailers of organic peroxide caught fire at the Arkema facility in Crosby, Texas. Following this fire, EPA sent aerial surveillance aircraft to test resulting smoke and did ground-level air quality monitoring. EPA's plane instrumentation is capable of measuring 78 different chemicals, including peroxides. Neither testing methods found toxic concentration levels in areas away from the evacuated facility.

Local officials are maintaining a 1.5-mile area of evacuation to assure that the public is protected. Air monitoring has confirmed that this is sufficient based on current conditions and anticipated events.

EPA and TCEQ are providing direct support to Michael Sims, Incident Commander, Crosby Volunteer Fire Department and Chief Bob Royall, of the Harris County Fire Marshal's Office who are leading a coordinated

local, state and federal effort as part of the Unified Command to control the fire at the Arkema facility in Crosby, Texas.

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Message

From: Martindale, Cary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=405EE458FB9841FF8CDCF8A6F1135341-MARTINDALE, CARY]
Sent: 8/30/2017 5:53:27 PM
To: mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; jacqueline.ellis@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; sarah.noack@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; Justin.ackley@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; Ben.Couhig@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david._stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoff_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov
CC: Gray, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=881c62b1e54142388c1de2f8e3799c33-Gray, David]; White, Terri-A [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e31831b01a414cf2a400d6399725cea0-Twhite03]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: US EPA News Release: EPA Approves Emergency Fuel Waivers for Gulf and East Coast States

EPA Approves Emergency Fuel Waivers for Gulf and East Coast States

WASHINGTON (AUGUST 30, 2017) — As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by Hurricane Harvey, EPA Administrator Scott Pruitt today exercised EPA's emergency fuel waiver authority to help ensure an adequate supply of fuel throughout the South, Southeast and the Mid-Atlantic.

EPA has waived requirements for reformulated gasoline and low volatility gasoline through September 15 in the following states: Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Texas, Louisiana and the District of Columbia. The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry.

As required by law, EPA and Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers



Cary Martindale
US EPA Region 6
Congressional Liaison
Arkansas*Louisiana*Oklahoma
martindale.cary@epa.gov
(214) 665-8147



Message

From: Martindale, Cary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=405EE458FB9841FF8CDCF8A6F1135341-MARTINDALE, CARY]
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CC: Gray, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=881c62b1e54142388c1de2f8e3799c33-Gray, David]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; White, Terri-A [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e31831b01a414cf2a400d6399725cea0-Twhite03]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: US EPA Update

EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners. EPA Headquarters' Emergency Operations Center (EOC) has been activated and Administrator Pruitt is in regular contact with EPA staff across the Agency who are part of this hurricane response effort. Helping manage response efforts and focusing on the safety of those affected are our highest priorities.

As of today, EPA has activated the National Incident Management Team (N-IMAT) consisting of highly skilled response personnel from Regions 3, 4, and 5. The N-IMAT arrived in Dallas this morning to assist with response activities.

EPA has mobilized personnel to Austin, Houston and Corpus Christi in addition to providing response support in Dallas and Washington, DC. Currently, EPA has 98 employees dedicated to response activities and further deployments are happening daily. EPA field personnel are in Unified Command coordinating seven teams identifying and evaluating potential hazards posed by orphaned containers. The teams will determine actions needed to stabilize or remove items.

In concert with the Texas Commission on Environmental Quality, EPA has utilized a "call bank" to reach drinking water and waste water facilities to find out their operational status. To date, TCEQ and EPA have determined that 53 drinking water systems are not functioning due to loss of power or damage from the storm. Another 58 drinking water systems are compromised and running on generator power. A total of 22 waste water systems are shut down. Boil water orders have been issued as appropriate.

Unified Command personnel inspected two Superfund sites in the Corpus Christi area. Both the Falcon Refinery Site and the Brine Service Site show

no significant damage. No emergency clean up response for storm damage is needed at the two sites.

EPA's ASPECT aircraft, which conducts air monitoring and provides real time chemical information instantaneously, was used at the Arkema Plant in Crosby, TX to inform first responders of potential air quality and thermal imaging concerns. The information collected indicates that there are no concentrations of concern for toxic materials reported at this time. EPA also deployed additional air monitoring teams and equipment to augment the current efforts of the state and local first responders. View Administrator Pruitt's statement on the reported explosion at the Arkema facility in Crosby here: <https://www.epa.gov/newsreleases/epa-statement-reported-explosion-chemical-plant-crosby-texas>

View EPA's joint statement with Texas officials responding to the Arkema incident here: <https://www.epa.gov/newsreleases/local-state-federal-joint-statement-texas-chemical-plant-fire>

EPA also issued fuel waivers for 38 states and Washington, D.C. today to help ensure an adequate supply of fuel throughout the country in the aftermath of Hurricane Harvey. Learn more here:

<https://www.epa.gov/newsreleases/epa-approves-emergency-fuel-waivers-38-states-and-washington-dc-0>

Thanks,

Cary Martindale
US EPA Region 6
Congressional Liaison
Arkansas*Louisiana*Oklahoma
martindale.cary@epa.gov
(214) 665-8147



Message

From: Gray, David [gray.david@epa.gov]
Sent: 9/3/2017 8:59:11 PM
To: Martindale, Cary [martindale.cary@epa.gov]; mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; White, Terri-A [White.Terri-A@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: US EPA: Air Quality Monitoring

Air Quality Monitoring: Monitors are showing that air quality at this time is not concerning and local residents should not be concerned about air quality issues related to the effects of the storm. Due to quick action and proper preparation by state authorities, all the ambient air quality monitors in the network from south of Corpus Christi to Beaumont were protected before the storm. Since then, state authorities are working to get the systems up and running again. As of Saturday, September 2, over

88 percent of monitors are up and working again in Corpus Christi, 85 percent in Houston, and 36 percent in Beaumont. Of the available air monitoring data collected from August 24-September 2, 2017, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning, and local residents should not be concerned about air quality issues related to the effects of the storm.

EPA has its surveillance aircraft conducting air monitoring for the Arkema plant fire. Also, EPA's mobile air-monitoring unit will be in Houston to assist with air monitoring as well. Also, EPA's mobile air monitoring Trace Atmospheric Gas Analyzer bus is on the way to Houston to assist with air monitoring as well. The TAGA is a self-contained mobile laboratory capable of real-time sampling and of outdoor air or emissions. The instrumentation refers both to the analytical instrument and the mobile laboratory built around it.

Arkema:

Emergency response monitoring at the Arkema facility evacuation perimeter is being conducted. We will make those data available as we are able. So far, nothing of immediate health concern has been detected.

Emergency response:

We have established a Unified Command with other state and federal partners, and are in the field conducting rapid needs assessments. The TCEQ will use the available technology that will best support the field activities being conducted, which may include the use of hand held air monitoring equipment.

Continue to monitor the TCEQ's Hurricane Response website for updates.

From: Martindale, Cary

Sent: Thursday, August 31, 2017 4:41 PM

To: mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov;

Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov

Cc: Gray, David <gray.david@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>

Subject: US EPA: Arkema Report

EPA's RMP Rule continues to be in effect and is an important safety rule that requires facilities that use extremely hazardous substances to develop plans that identify potential effects of a chemical accident, identify steps a facility is doing to prevent an accident, and spell out emergency response procedures, should an accident occur. The 2017 RMP Amendments revised several accident prevention requirements as well as what must be communicated to local authorities and the public, however, none of the major amendments would have been effective until March 2018 and most well after that. The Agency's recent action to delay the effectiveness of the 2017 Amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire.

Most of the accident prevention and public communication provisions of the 2017 RMP amendments would not have required compliance before March 2021. One provision impacted by the delay of effectiveness would have required annual coordination between the facility and local emergency responders annually starting in March 2018. However, there is an in-effect provision under the current RMP Rule that requires such coordination, and the Arkema Crosby plant had coordinated with its local fire department, according to its filed risk management plan. Therefore, the delay of effectiveness did not impact any steps Arkema would have had to comply with prior to its accident.

The Arkema plant in Crosby has filed a risk management plan under the RMP program and a redacted copy of the facility's report is attached. Federal law mandates that public access to certain elements of a facility's risk management plan be provided in a way that is designed to minimize the risk of harm to public health, welfare and national security.

Frequently Asked Questions:

Does EPA have a list of chemicals of concern at the Arkema Crosby site?

The facility is required to submit a Risk Management Plan because it handles the following chemicals above the regulatory threshold quantity: 2-methylpropene and sulfur dioxide.

Are there other petrochemical facilities in the flooded areas that EPA is monitoring or concerned about? Any others in danger of exploding or catching on fire?

EPA is working with TCEQ to contact industrial sources within the impacted area to determine their operational status and what support can be provided with the monitoring of the start-up of industrial sources along the coast of Texas.

Any enforcement actions taken against Arkema involving its U.S. operations? Details?

No recent EPA RMP enforcement actions have been taken against the Crosby facility.

Please provide a copy of the most recent Risk Management Plan for the Crosby plant. There is reference to a 2014 plan online. Is that the most recent? Do they have to file these things every year?

Facilities are required to submit Risk Management Plans every five years. The 2014 Plan for the Arkema facility is the current plan and it is attached.

I'm just trying to confirm that the Arkema Crosby facility that exploded this morning is covered by the EPA's risk management program?

Please note, this was a fire, not an explosion. Yes, the facility is part of the RMP plan.

And therefore would have had tighter safety rules if the new Risk Management Program rule had gone into effect as originally scheduled in March?

See above.

Why is Arkema allowed to refuse to release the company's federally mandated risk management plan.

RMP-regulated facilities may voluntarily release their risk management plan. Some facilities choose not to release the full plan because portions of the plan contain sensitive security information.

Thanks,

Cary Martindale
US EPA Region 6
Congressional Liaison
Arkansas*Louisiana*Oklahoma
martindale.cary@epa.gov
(214) 665-8147



Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 8/28/2017 9:48:28 PM
To: mark.cooper@la.gov; Richard.carbo@la.gov; jsamson@crt.la.gov; mark.cooper@la.gov; chuck.brown@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; dth@gov.texas.gov; Elizabeth.edwards@gov.texas.gov; logan.spence@ltgov.state.tx.us; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; jacqueline.ellis@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; sarah.noack@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; Justin.ackley@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; Ben.Couhig@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Acevedo, Janie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ff0c4562a564166ba7a9d0792a26526-Acevedo, Janie]
Subject: EPA Harvey Response

All – I wanted to share this update with you.

Administrator Pruitt has been in regular contact with Region 6 and commends the staff there, along with the many others across the Agency, who are part of this hurricane response effort for their leadership and

preparation. Helping Region 6 to manage response efforts and focusing on safety of those affected are our highest priorities.

EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners. Headquarters' Emergency Operations Center (EOC) has been activated and we are already deploying assess to support emergency response and aftermath flooding. The National Incident Management Assistance Team, consisting of highly skilled response personnel from across the Agency, has been activated and should arrive in Dallas by tomorrow.

The Agency is supporting the response effort in several ways:

- EPA is developing surface water sampling plans to address public health concerns regarding possible contaminates found in storm water. EPA will begin field sampling of flood waters as soon as conditions allow.
- EPA's drinking water and waste water staff are ready to deploy to offer technical assistance necessary to restore services as quickly as possible. These teams will visit drinking water and waste water facilities to determine functionality and provide technical assistance as needed. At the request of the State of Texas, EPA is deploying personnel to assist the Texas Commission on Environmental Quality's (TCEQ) Drinking Water and Waste Water Phone Bank.
- EPA's Superfund Remedial Project Managers worked with site operators to secure the sites last week ahead of the storm. We continue to work with site operators to get status updates, conduct rapid damage assessments, and determine if additional emergency cleanup activities are necessary.
- The Agency will be working with TCEQ to determine where the Agency can best assist the state in contacting industrial sources along the Texas coast, most of which underwent organized shutdown of their operations in advance of the storm. EPA will initiate contact with sources located within the storm area to determine status and plans to resume operations, and we will closely monitor start-up activities. As rainfall continues, EPA is working with LDEQ to forecast any needs the states may have as a result of heavy rains and possible flooding.
- EPA continues to with the states to provide fuel and refinery waivers to address any fuel supply issues.

David Gray

Message

From: Martindale, Cary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=405EE458FB9841FF8CDCF8A6F1135341-MARTINDALE, CARY]
Sent: 8/31/2017 9:40:54 PM
To: mark.cooper@la.gov; Richard.carbo@la.gov; gregory.langley@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; Elizabeth.edwards@gov.texas.gov; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; avery.littrell@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; david_stokes@kennedy.senate.gov; Michael_wong@kennedy.senate.gov; Geoffrey_green@kennedy.senate.gov; michelle_millhollon@kennedy.senate.gov; Meredith_jones@kennedy.senate.gov; ben.jackson@mail.house.gov
CC: Gray, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=881c62b1e54142388c1de2f8e3799c33-Gray, David]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; White, Terri-A [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e31831b01a414cf2a400d6399725cea0-Twhite03]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: US EPA: Arkema Report
Attachments: Arkema_RMP Report - 1000040822.pdf

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Frequently Asked Questions:

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The facility is required to submit a Risk Management Plan because it handles the following chemicals above the regulatory threshold quantity: 2-methylpropene and sulfur dioxide.

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No recent EPA RMP enforcement actions have been taken against the Crosby facility.

Please provide a copy of the most recent Risk Management Plan for the Crosby plant. There is reference to a 2014 plan online. Is that the most recent? Do they have to file these things every year?

Facilities are required to submit Risk Management Plans every five years. The 2014 Plan for the Arkema facility is the current plan and it is attached.

I'm just trying to confirm that the Arkema Crosby facility that exploded this morning is covered by the EPA's risk management program?

Please note, this was a fire, not an explosion. Yes, the facility is part of the RMP plan.

And therefore would have had tighter safety rules if the new Risk Management Program rule had gone into effect as originally scheduled in March?

See above.

Why is Arkema allowed to refuse to release the company's federally mandated risk management plan.
RMP-regulated facilities may voluntarily release their risk management plan. Some facilities choose not to release the full plan because portions of the plan contain sensitive security information.

Thanks,

Cary Martindale
US EPA Region 6
Congressional Liaison
Arkansas*Louisiana*Oklahoma
martindale.cary@epa.gov
(214) 665-8147



Section 1. Registration Information

Source Identification

| | |
|-------------------------|----------------------------|
| Facility Name: | Arkema Inc. - Crosby Plant |
| Parent Company #1 Name: | Arkema, Inc. |
| Parent Company #2 Name: | |

Submission and Acceptance

| | |
|---|-------------------------------------|
| Submission Type: | Re-submission |
| Subsequent RMP Submission Reason: | 5-year update (40 CFR 68.190(b)(1)) |
| Description: | |
| Receipt Date: | 11-Jun-2014 |
| Postmark Date: | 11-Jun-2014 |
| Next Due Date: | 11-Jun-2019 |
| Completeness Check Date: | 11-Jun-2014 |
| Complete RMP: | Yes |
| De-Registration / Closed Reason: | |
| De-Registration / Closed Reason Other Text: | |
| De-Registered / Closed Date: | |
| De-Registered / Closed Effective Date: | |
| Certification Received: | Yes |

Facility Identification

| | |
|--------------------------------|----------------|
| EPA Facility Identifier: | 1000 0012 4457 |
| Other EPA Systems Facility ID: | |

Dun and Bradstreet Numbers (DUNS)

| | |
|-------------------------|-----------|
| Facility DUNS: | |
| Parent Company #1 DUNS: | 622121697 |
| Parent Company #2 DUNS: | |

Facility Location Address

| | |
|-----------|----------------------------|
| Street 1: | 18000 Crosby Eastgate Road |
| Street 2: | |
| City: | Crosby |
| State: | TEXAS |
| ZIP: | 77532 |
| ZIP4: | |
| County: | HARRIS |

Facility Latitude and Longitude

| | |
|----------------------------------|------------------------------|
| Latitude (decimal): | 29.943722 |
| Longitude (decimal): | -095.022722 |
| Lat/Long Method: | Interpolation - Satellite |
| Lat/Long Description: | Storage Tank |
| Horizontal Accuracy Measure: | 25 |
| Horizontal Reference Datum Name: | North American Datum of 1983 |
| Source Map Scale Number: | |

Owner or Operator

| | |
|-----------------|----------------|
| Operator Name: | Arkema Inc. |
| Operator Phone: | (281) 328-3561 |

Mailing Address

| | |
|-------------------------------------|----------------------------|
| Operator Street 1: | 18000 Crosby Eastgate Road |
| Operator Street 2: | |
| Operator City: | Crosby |
| Operator State: | TEXAS |
| Operator ZIP: | 77532 |
| Operator ZIP4: | |
| Operator Foreign State or Province: | |
| Operator Foreign ZIP: | |
| Operator Foreign Country: | |

Name and title of person or position responsible for Part 68 (RMP) Implementation

| | |
|----------------------------------|--------------------------|
| RMP Name of Person: | Wendal Turley |
| RMP Title of Person or Position: | Plant Manager |
| RMP E-mail Address: | wendal.turley@arkema.com |

Emergency Contact

| | |
|-----------------------------------|--------------------------|
| Emergency Contact Name: | Wendal Turley |
| Emergency Contact Title: | Plant Manager |
| Emergency Contact Phone: | (281) 328-9443 |
| Emergency Contact 24-Hour Phone: | (281) 328-9447 |
| Emergency Contact Ext. or PIN: | |
| Emergency Contact E-mail Address: | wendal.turley@arkema.com |

Other Points of Contact

| | |
|--|---|
| Facility or Parent Company E-mail Address: | |
| Facility Public Contact Phone: | (281) 328-9422 |
| Facility or Parent Company WWW Homepage Address: | http://www.arkema.com |

Local Emergency Planning Committee

| | |
|-------|--------------------|
| LEPC: | North Channel LEPC |
|-------|--------------------|

Full Time Equivalent Employees

| | |
|--|----|
| Number of Full Time Employees (FTE) on Site: | 53 |
| FTE Claimed as CBI: | |

Covered By

| | |
|--------------------------|---------|
| OSHA PSM : | Yes |
| EPCRA 302 : | Yes |
| CAA Title V: | Yes |
| Air Operating Permit ID: | O-01554 |

OSHA Ranking

OSHA Star or Merit Ranking:

Last Safety Inspection

| | |
|---|----------------------------|
| Last Safety Inspection (By an External Agency) Date: | 12-Feb-2014 |
| Last Safety Inspection Performed By an External Agency: | State environmental agency |

Predictive Filing

Did this RMP involve predictive filing?:

Preparer Information

Preparer Name:
Preparer Phone:
Preparer Street 1:
Preparer Street 2:
Preparer City:
Preparer State:
Preparer ZIP:
Preparer ZIP4:
Preparer Foreign State:
Preparer Foreign Country:
Preparer Foreign ZIP:

Confidential Business Information (CBI)

CBI Claimed:
Substantiation Provided:
Unsanitized RMP Provided:

Reportable Accidents

| | |
|-----------------------|---|
| Reportable Accidents: | See Section 6. Accident History below to determine if there were any accidents reported for this RMP. |
|-----------------------|---|

Process Chemicals

| | |
|----------------------|--|
| Process ID: | 1000050291 |
| Description: | MPU Unit |
| Process Chemical ID: | 1000060875 |
| Program Level: | Program Level 3 process |
| Chemical Name: | 2-Methylpropene [1-Propene, 2-methyl-] |
| CAS Number: | 115-11-7 |
| Quantity (lbs): | 85256 |
| CBI Claimed: | |
| Flammable/Toxic: | Flammable |

| | |
|----------------------|----------------------------|
| Process ID: | 1000050290 |
| Description: | MPU Unit |
| Process Chemical ID: | 1000060874 |
| Program Level: | Program Level 3 process |
| Chemical Name: | Sulfur dioxide (anhydrous) |
| CAS Number: | 7446-09-5 |
| Quantity (lbs): | 66260 |
| CBI Claimed: | |
| Flammable/Toxic: | Toxic |

Process NAICS

| | |
|--------------------|--|
| Process ID: | 1000050290 |
| Process NAICS ID: | 1000050753 |
| Program Level: | Program Level 3 process |
| NAICS Code: | 325199 |
| NAICS Description: | All Other Basic Organic Chemical Manufacturing |

| | |
|--------------------|--|
| Process ID: | 1000050291 |
| Process NAICS ID: | 1000050754 |
| Program Level: | Program Level 3 process |
| NAICS Code: | 325199 |
| NAICS Description: | All Other Basic Organic Chemical Manufacturing |

Section 2. Toxics: Worst Case

Toxic Worst ID: 1000041041

| | |
|------------------------------|---------------------------|
| Percent Weight: | 100.0 |
| Physical State: | Gas liquified by pressure |
| Model Used: | EPA's RMP*Comp(TM) |
| Release Duration (mins): | 10 |
| Wind Speed (m/sec): | 1.5 |
| Atmospheric Stability Class: | F |
| Topography: | Rural |

Passive Mitigation Considered

- Dikes:
- Enclosures:
- Berms:
- Drains:
- Sumps:
- Other Type:

Section 3. Toxics: Alternative Release

Toxic Alter ID: 1000043430

| | |
|------------------------------|---------------------------|
| Percent Weight: | 100.0 |
| Physical State: | Gas liquified by pressure |
| Model Used: | EPA's RMP*Comp(TM) |
| Wind Speed (m/sec): | 3.0 |
| Atmospheric Stability Class: | D |
| Topography: | Rural |

Passive Mitigation Considered

Dikes:
Enclosures:
Berms:
Drains:
Sumps:
Other Type:

Active Mitigation Considered

| | |
|---------------------|-----|
| Sprinkler System: | |
| Deluge System: | |
| Water Curtain: | |
| Neutralization: | |
| Excess Flow Valve: | Yes |
| Flares: | |
| Scrubbers: | |
| Emergency Shutdown: | Yes |
| Other Type: | |

Section 4. Flammables: Worst Case

Flammable Worst ID: 1000030809

Model Used:

EPA's RMP*Comp(TM)

Endpoint used:

1 PSI

Passive Mitigation Considered

Blast Walls:

Other Type:

Section 5. Flammables: Alternative Release

Flammable Alter ID: 1000028930

| | |
|-------------------------------|---------------------------|
| Model Used: | EPA's RMP*Comp(TM) |
| Passive Mitigation Considered | |
| Dikes: | Yes |
| Fire Walls: | |
| Blast Walls: | |
| Enclosures: | |
| Other Type: | |
| Active Mitigation Considered | |
| Sprinkler System: | |
| Deluge System: | |
| Water Curtain: | |
| Excess Flow Valve: | Yes |
| Other Type: | Automatic Shutoff Systems |

Section 6. Accident History

No records found.

Section 7. Program Level 3

Description

- Quantitative process hazard analyses (PHAs using LOPA methodology) Are completed on covered processes every five (5) years. Qualified PHA leaders are trained in PHA techniques approved under the OSHA PSM and EPA Risk Management standards.
- Written operating procedures are used for training and directing the work of operators, who receive refresher training every three years.
- Written operating procedures contain in-depth consequences of process deviation analysis.
- Operators, mechanics, and contractor personnel are qualified, trained in the general hazards in the facility, and informed of any temporary situations affecting safety. This includes Level III training for all operators;
- A Management of Change (MOC) system is in place to ensure that process-operating changes are managed safely;
- Environmental and Safety Critical equipment is inspected on a planned, periodic basis to ensure proper operating conditions;
- Pre-start-up safety reviews are performed to satisfy conditions for safe operation prior to starting new or modified equipment or processes;
- Incidents are investigated and actions taken as part of a continuous improvement effort;
- Routine audits are conducted to evaluate that safe practices are being followed;
- Storage tanks and associated equipment are designed and constructed in accordance with industry codes, standards (American Society of Mechanical Engineers - ASME), and practices;
- As part of the facility's Mechanical Integrity program, pressure vessels and transfer lines are inspected and tested according to the American Petroleum Institute (API) certified inspectors using API standards;
- All plant process components are inspected and monitored on a regularly scheduled basis as part of the leak detection and repair program (LDAR);
- The risk of over pressure of pressurized storage tanks is addressed by monitoring the tank temperature and pressure controllers;
- Covered storage vessels are sized with rupture discs and pressure relief valves;
- The risk of over filling of vessels is addressed by the use of process interlocks, high level alarms monitored by trained operators who monitor tank level indicators and metering devices;
- The risks of unloading releases are minimized by the use of: a) vapor balancing systems b) interlocks and c) remote shutoff devices when unloading chemicals into storage tanks;
- Access to the facility is restricted through security barriers and trained security personnel, thereby minimizing the risk to the tanks of vehicular damage or sabotage;
- A safety work permitting system is used to ensure routine and non-routine work is carried out after proper task identification, hazard assessment and implementation of safe work practices has taken place;
- Hazardous material delivery drivers are escorted into the plant. Access to all plant unloading lines is controlled via a key and lock system in the QC Laboratory to prevent inadvertent material transfers. Logistic personnel remain present during the entirety of the loading and unloading process.

Program Level 3 Prevention Program Chemicals

| | |
|---------------------------------|----------------------------|
| Prevention Program Chemical ID: | 1000051384 |
| Chemical Name: | Sulfur dioxide (anhydrous) |
| Flammable/Toxic: | Toxic |
| CAS Number: | 7446-09-5 |

| | |
|--------------------------------|------------|
| Process ID: | 1000050290 |
| Description: | MPU Unit |
| Prevention Program Level 3 ID: | 1000043000 |
| NAICS Code: | 325199 |

Safety Information

| | |
|---|-------------|
| Safety Review Date (The date on which the safety information was last reviewed or revised): | 31-Oct-2013 |
|---|-------------|

Process Hazard Analysis (PHA)

| | |
|---|-------------|
| PHA Completion Date (Date of last PHA or PHA update): | 31-Oct-2013 |
|---|-------------|

The Technique Used

| | |
|--|--------------------------------------|
| What If: | |
| Checklist: | |
| What If/Checklist: | Yes |
| HAZOP: | Yes |
| Failure Mode and Effects Analysis: | |
| Fault Tree Analysis: | |
| Other Technique Used: | Layers of Protection Analysis (LOPA) |
| PHA Change Completion Date (The expected or actual date of completion of all changes resulting from last PHA or PHA update): | 30-Oct-2015 |

Major Hazards Identified

| | |
|--|------------------------------|
| Toxic Release: | Yes |
| Fire: | Yes |
| Explosion: | Yes |
| Runaway Reaction: | Yes |
| Polymerization: | |
| Overpressurization: | Yes |
| Corrosion: | |
| Overfilling: | Yes |
| Contamination: | Yes |
| Equipment Failure: | Yes |
| Loss of Cooling, Heating, Electricity, Instrument Air: | Yes |
| Earthquake: | |
| Floods (Flood Plain): | Yes |
| Tornado: | |
| Hurricanes: | Yes |
| Other Major Hazard Identified: | Power Failure or Power Surge |

Process Controls in Use

| | |
|-------------------------------|------------------------------|
| Vents: | Yes |
| Relief Valves: | Yes |
| Check Valves: | Yes |
| Scrubbers: | Yes |
| Flares: | |
| Manual Shutoffs: | Yes |
| Automatic Shutoffs: | Yes |
| Interlocks: | Yes |
| Alarms and Procedures: | Yes |
| Keyed Bypass: | |
| Emergency Air Supply: | Yes |
| Emergency Power: | Yes |
| Backup Pump: | |
| Grounding Equipment: | Yes |
| Inhibitor Addition: | |
| Rupture Disks: | Yes |
| Excess Flow Device: | Yes |
| Quench System: | Yes |
| Purge System: | Yes |
| None: | |
| Other Process Control in Use: | UPS or Back-up Power Sources |

Mitigation Systems in Use

| | |
|---------------------------------|---------------|
| Sprinkler System: | Yes |
| Dikes: | Yes |
| Fire Walls: | |
| Blast Walls: | |
| Deluge System: | Yes |
| Water Curtain: | |
| Enclosure: | |
| Neutralization: | |
| None: | |
| Other Mitigation System in Use: | Fire Monitors |

Monitoring/Detection Systems in Use

| | |
|---|-------------------|
| Process Area Detectors: | Yes |
| Perimeter Monitors: | |
| None: | |
| Other Monitoring/Detection System in Use: | SO2 Area Monitors |

Changes Since Last PHA Update

| | |
|---|-----|
| Reduction in Chemical Inventory: | |
| Increase in Chemical Inventory: | |
| Change Process Parameters: | Yes |
| Installation of Process Controls: | Yes |
| Installation of Process Detection Systems: | Yes |
| Installation of Perimeter Monitoring Systems: | |
| Installation of Mitigation Systems: | |
| None Recommended: | |

None:

Other Changes Since Last PHA or PHA Update:

Review of Operating Procedures

Operating Procedures Revision Date (The date of the most recent review or revision of operating procedures): 12-Nov-2013

Training

Training Revision Date (The date of the most recent review or revision of training programs): 31-Jan-2014

The Type of Training Provided

Classroom: Yes
On the Job: Yes
Other Training: web-based training (WBT) module

The Type of Competency Testing Used

Written Tests: Yes
Oral Tests:
Demonstration: Yes
Observation: Yes
Other Type of Competency Testing Used:

Maintenance

Maintenance Procedures Revision Date (The date of the most recent review or revision of maintenance procedures): 27-Sep-2013

Equipment Inspection Date (The date of the most recent equipment inspection or test): 14-May-2014

Equipment Tested (Equipment most recently inspected or tested): Fire Pumps and Generators

Management of Change

Change Management Date (The date of the most recent change that triggered management of change procedures): 12-May-2014

Change Management Revision Date (The date of the most recent review or revision of management of change procedures): 31-Jan-2014

Pre-Startup Review

Pre-Startup Review Date (The date of the most recent pre-startup review): 06-May-2014

Compliance Audits

Compliance Audit Date (The date of the most recent compliance audit): 08-Nov-2012

Compliance Audit Change Completion Date (Expected or actual date of completion of all changes resulting from the compliance audit): 19-Dec-2014

Incident Investigation

Incident Investigation Date (The date of the most recent incident investigation (if any)): 23-May-2014

Incident Investigation Change Date (The expected or actual date of completion of all changes resulting from the investigation): 30-Sep-2014

Employee Participation Plans

Participation Plan Revision Date (The date of the most recent review or revision of employee participation plans): 02-Apr-2014

Hot Work Permit Procedures

Hot Work permit Review Date (The date of the most recent review or revision of hot work permit procedures): 06-May-2014

Contractor Safety Procedures

Contractor Safety Procedures Review Date (The date of the most recent review or revision of contractor safety procedures): 12-Feb-2014

Contractor Safety Performance Evaluation Date (The date of the most recent review or revision of contractor safety performance): 11-Feb-2014

Confidential Business Information

CBI Claimed:

Description

This process covers the MPU production unit only. All of Arkema Inc., Crosby Facility's prevention program elements, in accordance with 29CFR1910.119 for Process Safety Management and the EPA Risk Management Program pursuant to 40CFR68, apply to this production unit.

Program Level 3 Prevention Program Chemicals

| | |
|---------------------------------|--|
| Prevention Program Chemical ID: | 1000051385 |
| Chemical Name: | 2-Methylpropene [1-Propene, 2-methyl-] |
| Flammable/Toxic: | Flammable |
| CAS Number: | 115-11-7 |

| | |
|--------------------------------|------------|
| Process ID: | 1000050291 |
| Description: | MPU Unit |
| Prevention Program Level 3 ID: | 1000043001 |
| NAICS Code: | 325199 |

Safety Information

| | |
|---|-------------|
| Safety Review Date (The date on which the safety information was last reviewed or revised): | 31-Oct-2013 |
|---|-------------|

Process Hazard Analysis (PHA)

| | |
|---|-------------|
| PHA Completion Date (Date of last PHA or PHA update): | 31-Oct-2013 |
|---|-------------|

The Technique Used

| | |
|--|--------------------------------------|
| What If: | |
| Checklist: | |
| What If/Checklist: | Yes |
| HAZOP: | Yes |
| Failure Mode and Effects Analysis: | |
| Fault Tree Analysis: | |
| Other Technique Used: | Layers of Protection Analysis (LOPA) |
| PHA Change Completion Date (The expected or actual date of completion of all changes resulting from last PHA or PHA update): | 30-Oct-2015 |

Major Hazards Identified

| | |
|---------------------|-----|
| Toxic Release: | Yes |
| Fire: | Yes |
| Explosion: | Yes |
| Runaway Reaction: | Yes |
| Polymerization: | |
| Overpressurization: | Yes |
| Corrosion: | Yes |
| Overfilling: | Yes |
| Contamination: | Yes |
| Equipment Failure: | Yes |

| | |
|--|-----------------------------|
| Loss of Cooling, Heating, Electricity, Instrument Air: | Yes |
| Earthquake: | |
| Floods (Flood Plain): | Yes |
| Tornado: | |
| Hurricanes: | Yes |
| Other Major Hazard Identified: | Power Failure or Power Sure |

Process Controls in Use

| | |
|-------------------------------|------------------------------|
| Vents: | Yes |
| Relief Valves: | Yes |
| Check Valves: | Yes |
| Scrubbers: | Yes |
| Flares: | |
| Manual Shutoffs: | Yes |
| Automatic Shutoffs: | Yes |
| Interlocks: | Yes |
| Alarms and Procedures: | Yes |
| Keyed Bypass: | |
| Emergency Air Supply: | Yes |
| Emergency Power: | Yes |
| Backup Pump: | |
| Grounding Equipment: | Yes |
| Inhibitor Addition: | |
| Rupture Disks: | |
| Excess Flow Device: | Yes |
| Quench System: | Yes |
| Purge System: | Yes |
| None: | |
| Other Process Control in Use: | UPS or Back-up Power Sources |

Mitigation Systems in Use

| | |
|---------------------------------|-----|
| Sprinkler System: | Yes |
| Dikes: | Yes |
| Fire Walls: | |
| Blast Walls: | |
| Deluge System: | Yes |
| Water Curtain: | |
| Enclosure: | |
| Neutralization: | |
| None: | |
| Other Mitigation System in Use: | |

Monitoring/Detection Systems in Use

| | |
|---|------------------------|
| Process Area Detectors: | Yes |
| Perimeter Monitors: | |
| None: | |
| Other Monitoring/Detection System in Use: | Four (4) LEL Detectors |

Changes Since Last PHA Update

| | |
|----------------------------------|--|
| Reduction in Chemical Inventory: | |
| Increase in Chemical Inventory: | |

| | |
|---|-----|
| Change Process Parameters: | Yes |
| Installation of Process Controls: | Yes |
| Installation of Process Detection Systems: | Yes |
| Installation of Perimeter Monitoring Systems: | |
| Installation of Mitigation Systems: | |
| None Recommended: | |
| None: | |
| Other Changes Since Last PHA or PHA Update: | |

Review of Operating Procedures

| | |
|--|-------------|
| Operating Procedures Revision Date (The date of the most recent review or revision of operating procedures): | 12-Nov-2013 |
|--|-------------|

Training

| | |
|---|-------------|
| Training Revision Date (The date of the most recent review or revision of training programs): | 31-Jan-2014 |
|---|-------------|

The Type of Training Provided

| | |
|-----------------|---------------------------------|
| Classroom: | Yes |
| On the Job: | Yes |
| Other Training: | web-based training (WBT) module |

The Type of Competency Testing Used

| | |
|--|-----|
| Written Tests: | Yes |
| Oral Tests: | Yes |
| Demonstration: | Yes |
| Observation: | Yes |
| Other Type of Competency Testing Used: | |

Maintenance

| | |
|--|-------------|
| Maintenance Procedures Revision Date (The date of the most recent review or revision of maintenance procedures): | 27-Sep-2013 |
|--|-------------|

| | |
|---|-------------|
| Equipment Inspection Date (The date of the most recent equipment inspection or test): | 14-May-2014 |
|---|-------------|

| | |
|---|---------------------------|
| Equipment Tested (Equipment most recently inspected or tested): | Fire Pumps and Generators |
|---|---------------------------|

Management of Change

| | |
|---|-------------|
| Change Management Date (The date of the most recent change that triggered management of change procedures): | 12-May-2014 |
|---|-------------|

| | |
|--|-------------|
| Change Management Revision Date (The date of the most recent review or revision of management of change procedures): | 31-Jan-2014 |
|--|-------------|

Pre-Startup Review

Pre-Startup Review Date (The date of the most recent pre-startup review): 06-May-2014

Compliance Audits

Compliance Audit Date (The date of the most recent compliance audit): 08-Nov-2013

Compliance Audit Change Completion Date (Expected or actual date of completion of all changes resulting from the compliance audit): 19-Dec-2014

Incident Investigation

Incident Investigation Date (The date of the most recent incident investigation (if any)): 23-May-2014

Incident Investigation Change Date (The expected or actual date of completion of all changes resulting from the investigation): 30-Sep-2014

Employee Participation Plans

Participation Plan Revision Date (The date of the most recent review or revision of employee participation plans): 02-Apr-2014

Hot Work Permit Procedures

Hot Work permit Review Date (The date of the most recent review or revision of hot work permit procedures): 06-May-2014

Contractor Safety Procedures

Contractor Safety Procedures Review Date (The date of the most recent review or revision of contractor safety procedures): 12-Feb-2014

Contractor Safety Performance Evaluation Date (The date of the most recent review or revision of contractor safety performance): 11-Feb-2014

Confidential Business Information

CBI Claimed:

Section 8. Program Level 2

No records found.

Section 9. Emergency Response

Written Emergency Response (ER) Plan

Community Plan (Is facility included in written community emergency response plan?):

Facility Plan (Does facility have its own written emergency response plan?):

Yes

Response Actions (Does ER plan include specific actions to be taken in response to accidental releases of regulated substance(s)?):

Yes

Public Information (Does ER plan include procedures for informing the public and local agencies responding to accidental release?):

Yes

Healthcare (Does facility's ER plan include information on emergency health care?):

Yes

Emergency Response Review

Review Date (Date of most recent review or update of facility's ER plan): 20-Sep-2013

Emergency Response Training

Training Date (Date of most recent review or update of facility's employees): 29-Apr-2014

Local Agency

Agency Name (Name of local agency with which the facility ER plan or response activities are coordinated): Crosby Volunteer Fire Department

Agency Phone Number (Phone number of local agency with which the facility ER plan or response activities are coordinated): (281) 328-4512

Subject to

OSHA Regulations at 29 CFR 1910.38: Yes

OSHA Regulations at 29 CFR 1910.120: Yes

Clean Water Regulations at 40 CFR 112: Yes

RCRA Regulations at CFR 264, 265, and 279.52: Yes

OPA 90 Regulations at 40 CFR 112, 33 CFR 154, 49 CFR 194, or 30 CFR 254:

State EPCRA Rules or Laws: Yes

Other (Specify): DOT Regulations 49CFR171-180, Clean Air Act, 30 TAC Chapters 101,106,115,116,117,122,324,327 (TCEQ)

Executive Summary

INTRODUCTION

The Arkema Inc. (Arkema) - Crosby, Texas manufacturing facility (Crosby facility) has prepared this Risk Management Plan (RMP) to reduce the risk of accidental releases of hazardous materials. This RMP summarizes the management, administrative, procedural, and technological controls that work together to minimize the risk to the community of hazardous chemical releases. The plan summary is organized to correspond with specific EPA RMP definitions and requirements, including the following:

- Arkema Inc Loss Control Program to Protect Health, Environment, and Safety;
- Facility Identification and Regulated Substances in Covered Processes;
- Hazard Assessment;
- Prevention Program;
- Five-Year Accident History;
- Emergency Response Plan; and
- Planned Changes to Improve Safety.

ARKEMA INC. LOSS CONTROL PROGRAM FOR HEALTH, ENVIRONMENT, AND SAFETY

Arkema is committed to employee, public, and environmental safety by conducting its operations in a safe and responsible manner. This commitment is inherent to a comprehensive risk management program that covers areas such as equipment design and installation, plant operating procedures, maintenance, and employee training associated with the processes at the Crosby plant. The RMP formalizes and documents these activities.

The Crosby facility employs practices, programs, and procedures in place for the prevention, mitigation and/or minimization of catastrophic consequences and releases from materials covered under either standard.

The Crosby facility has One primary operating production unit: MPU. In addition, the Wastewater Treatment System (WWTS) at the Crosby plant treats the wastewater from the production unit. The CPU Unit is demolished and the BPU unit is officially idled and decommissioned, however there are several tanks and vessels located in the pre-existing CPU Unit that operate in support of the MPU Processing Unit.

This commitment to Loss Control starts with AIMS, integrated management systems pertaining to health, environment, and safety (HES). This program starts with the CEO. Senior management routinely dedicates time to review HES matters. This emphasis on safety is carried through to the facility level, where the Plant Manager and the Safety Team regularly review safety performance, take corrective actions, and strive for continuous improvement. The success of Arkema Inc.'s HES programs is also reflected by a strong commitment to safety by employees and contractors.

Arkema's HES programs include policies, procedures, standards, and guidance materials designed to fulfill Arkema's commitment to health, environment and safety. These materials include RMP guidance to help our facilities prevent and/or reduce the risk of accidents.

FACILITY IDENTIFICATION AND REGULATED SUBSTANCES IN COVERED PROCESSES

The Arkema Crosby facility is located at 18000 Crosby-Eastgate Road in Crosby, Texas. The facility manufactures liquid organic peroxides, which are primarily used in the production of plastic resins, polystyrene, polyethylene, polypropylene, PVC, and fiberglass. Certain substances used and produced within the facility are regulated substances under 40 CFR 68, the EPA RMP rule. Two substances, sulfur dioxide (SO₂) and 2-methyl Propene (Isobutylene) are present at, or above, the minimum threshold quantity (TQ) for RMP applicability.

The MPU process includes a batch and a continuous process area. Isobutylene and/or SO₂ are used to produce and/or process the majority of the products produced in both the MPU batch and continuous process areas. Arkema has included all equipment, lines, vessels, storage tanks, and reactors in Building 30 as part of the PSM and RMP covered processes associated with SO₂ and Isobutylene related equipment throughout the continuous process structure and batch process structure. The site evaluated the prevention program for each RMP compound separately.

The storage vessels used for the raw materials Isobutylene and Sulfur Dioxide are 30-T-71 and 17-T-19 respectively. The maximum inventory for Isobutylene is 85,256 lbs. This vessel is a raw material feedstock tank for the MPU batch and continuous processes and stores isobutylene in a pressurized vessel capable of containing the compound. The vessel is equipped with dual rupture disc and pressure relief valves. No further emission control is required for these pressure tanks under EPA BACT requirements. The Sulfur Dioxide feedstock vessel for all processes is located in CPU (17-T-19).

Additional specific equipment in Sulfur Dioxide Service:

EH-14 Evaporator used to vaporize sulfur dioxide that is transferred from 17-T-19 prior to distribution into the MPU Process for active oxygen destruction.

Spent Acid Treatment Tank (T-37) - The acid mother liquor from CF-1, Separated aqueous acid from T-30 or spent acid, is sent to 30-T-37 to be treated. SO₂ is fed from 30-T-19 to 30-T-37 through a vaporizer at a controlled rate to destroy any active oxygen. Sulfur Dioxide emissions are routed to a sodium hydroxide scrubber 30-FS-95.

Spent Acid Treatment Tank (T-38)- Waste Acid is transferred from the MPU Continuous unit into T-38 at a controlled rate. Sulfur Dioxide is injected at the bottom of the tank at a rate of ~0.2 lb/min to destroy the Active Oxygen in the Waste Stream. Sulfur Dioxide emissions are routed to a sodium hydroxide scrubber 30-FS-95.

HAZARD ASSESSMENT

WORST-CASE RELEASE MITIGATION MEASURES

Assumptions:

There were five (5) key assumptions considered while assessing worst case release scenarios, and they are as follows:

A)A complete rupture of either the Isobutylene feedstock tank (30-T-71) or the Sulfur Dioxide feedstock tank (17-T-19).

B)All tank active safety systems failed

C)No Plant Emergency actions or systems activated and/or significantly delayed

D)Most favorable meteorological conditions for each worst case scenario and

E)Entire contents of each vessel were released during the worst case scenario

Rationale:

It is important to note that the rational and assessment methodology for each scenario has been revised based on the most current operations, reflecting changes made over the past 5 years, previous plant incidents, and amended process hazard assessment methodologies. The topography in all scenarios is based on a rural area verses an urban area to account for the adjacent farmland and lack of development within one mile of the Arkema Crosby facility. There was little change in the potentially affected residential population or distance to endpoint for all scenarios versus the previous RMP submission.

The multiple layers of preventive and mitigation measures in use at the Crosby facility make it very unlikely that either worst-case scenario will occur. In the unlikely event that such a release occurs, Arkema, Inc. has mitigation measures in place to reduce any potential impacts.

- Remote shut-off valves on tank piping designed to shutdown flow from the feedstock storage tanks, thereby reducing the amount potentially released;

- Area monitors that either prompt the control room to activate shutoff of vessel isolation valves and/or actually initiate automatic closing of the isolation valves.

- Excess flow valves on tank process feed lines from the storage vessels or within the process that shut off the flow of material in the case of high discharge pressure or loss of material containment. Thus this reduces the amount of material potentially released:

- Stationary fire monitors which are permanently and strategically placed water cannons with the capability to remove airborne vapor with water sprays or to lay suppressive water deluge from a distance of at least 70 feet from the fire;
- On-site emergency responders 24 hours per day as well as communications links with additional off-site responders and response equipment;
- The First Call Interactive Network enabling the facility to immediately notify the surrounding neighbors.

HAZARD ASSESSMENT

ALTERNATIVE RELEASE SCENARIOS MITIGATION MEASURES

In the Toxic alternate cases, the site has historically used a 1.5, 2.0 or 3.0 inch process line rupture or a 1.5, 2.0 or 3.0 inch hole rupture in the vessel as the alternate case consideration. Current operations dictate that a flange leak or fitting failure demonstrates a more likely alternate case scenario. The site chose to evaluate hose failures for SO₂ Unloading or a flange leak on the low-pressure side of the SO₂ Feed System, including the Storage Tank and Feed Pump suction piping, and the high-pressure side of the system, including the Feed Pump discharge and the Feed Line. The breach in each case was taken to be one-eighth inch diameter. Low-pressure releases were driven by a 40-psig upstream pressure, and high pressure releases were driven by 65-psig upstream pressure.

In the flammable alternate cases, two potential impacts are associated with a BLEVE: 1) overpressure shockwave, due to the failure of the vessel wall or 2) a sudden release of the vessel contents, and a fireball, due to ignition of the released flammable vapor. The calculated overpressure impact from a BLEVE of the Isobutylene Storage Tank, extending out to the 1 psi overpressure endpoint specified by the RMP Guidance, is 483 feet, falling within the site boundaries. The BLEVE fireball radiation impact, extending out to the 3.42x10⁶ (watts/m²)^{4/3}-sec thermal radiation dose as specified by the RMP guidance, is 1,053 feet, also approaching the yard of the residence nearest to the site. The site chose to submit the case involving the radiation impact from a BLEVE of the Isobutylene Storage as the required flammable alternate case.

While the alternate release scenarios are, by definition, more likely to occur they are subject to the systems within the facility's existing release and accident prevention program. In compliance with regulatory criteria associated with RMP evaluations, active mitigation systems cannot be considered in modeling worst-case scenario impacts; however, the significant planning and subsequent implementation that Arkema, Inc. has made in active mitigation measures could effectively reduce the risk associated with an RMP worst-case related incident. Mitigation measures include the following:

- Remote shut-off valves on tank piping designed to shutdown flow from the feedstock storage tanks, thereby reducing the amount potentially released;
- Area monitors that either prompt the control room to activate shutoff or vessel isolation valves and/or actually initiate automatic closing of the isolation valves.
- Remote shut-off valves on tank piping designed to shut down all flow from the storage tanks, thereby reducing the amount potentially released;
- Excess flow valves on tank process feed lines from the storage tanks designed to close in the case of a line failure, thereby reducing the amount potentially released;
- Stationary fire monitors are permanently and strategically placed water cannons with the capability to remove airborne vapor with water sprays or to lay suppressive water deluge from a distance of atleast 70 feet from the fire.
- On-site emergency responders 24 hours per day as well as emergency communications links with additional off-site responders and response equipment;
- The First Call Interactive Network enabling the facility to immediately notify the surrounding neighbors.

THE GENERAL ACCIDENTAL RELEASE PREVENTION PROGRAM AND CHEMICAL-SPECIFIC PREVENTION STEPS

The Arkema Crosby facility has an accidental release prevention program in place to minimize the risk of hazardous chemical releases. This program is designed to address the requirements of the EPA RMP pursuant to 40 CFR 68 and 29 CFR 1910.119, Process Safety Management (PSM). The accidental release prevention program includes the following elements and activities:

- Quantitative process hazard analyses (PHAs using LOPA methodology) are completed on covered processes every five (5) years. Qualified PHA leaders are trained in PHA techniques approved under the EPA RMP and OSHA PSM standards.
- Written operating procedures are used for training and directing the work of operators, who receive refresher training every three years.
- Written operating procedures contain in-depth consequences of process deviation analysis.
- Operators, mechanics, and contractor personnel are qualified, trained in the general hazards in the facility, and informed of any temporary situations affecting safety. This includes Level III training for all operators;
- A Management of Change (MOC) system is in place to ensure that process-operating changes are managed safely;
- Environmental and Safety Critical equipment is inspected on a planned, periodic basis to ensure proper operating conditions;
- Pre-start-up safety reviews are performed to satisfy conditions for safe operation prior to starting new or modified equipment or processes;
- Incidents are investigated and actions taken as part of a continuous improvement effort;
- Routine audits are conducted to evaluate that safe practices are being followed;
- Storage tanks and associated equipment are designed and constructed in accordance with industry codes, standards (American Society of Mechanical Engineers - ASME), and practices;
- As part of the facility's Mechanical Integrity program, pressure vessels and transfer lines are inspected and tested according to the American Petroleum Institute (API) certified inspectors using API standards;
- All plant process components are inspected and monitored on a regularly scheduled basis as part of the leak detection and repair program (LDAR);
- The risk of over pressure of pressurized storage tanks is addressed by monitoring the tank temperature and pressure controllers;
- Covered storage vessels are equipped with rupture discs and pressure relief valves;
- The risk of over filling of vessels is addressed by the use of process interlocks, high level alarms monitored by trained operators who monitor tank level indicators and metering devices;
- The risks of unloading releases are minimized by the use of: a) vapor balancing systems b) interlocks and c) remote shutoff devices when unloading chemicals into storage tanks;
- Access to the facility is restricted through security barriers and trained security personnel, thereby minimizing the risk to the tanks of vehicular damage or sabotage;
- A safety work permitting system is used to ensure routine and non-routine work is carried out after proper task identification, hazard assessment and implementation of safe work practices has taken place;
- Hazardous material delivery drivers are escorted into the plant. Access to all plant unloading lines is controlled via a key and lock system in the QC Laboratory to prevent inadvertent material transfers. Logistic personnel remain present during the entirety of the

loading and unloading process.

This systematic approach to process safety involves all facility employees. Management and facility personnel strive for continuing improvements in accident reduction. The training, qualification standards, and safety awareness of our operations, maintenance, and emergency response personnel are key elements in reducing and mitigating accidents.

FIVE YEAR ACCIDENT HISTORY

There have been no accidental off-site releases of applicable RMP chemicals from our facility in the previous five years.

EMERGENCY RESPONSE STATEMENT

The Arkema Crosby facility maintains a written Emergency Response Plan. The plan includes procedures for notifying civil authorities and the public in the event of an incident; documentation of proper first aid and medical treatment necessary to treat accidental human exposures; procedures for the use of emergency response equipment and for its inspection and testing; descriptions of the training programs for all employees in the relevant emergency response procedures; and the review and update of our response plan to reflect changes at the facility and to ensure that employees are informed of these changes. The appendix of the plan contains a listing of critical environmental, and critical safety equipment. The facility also conducts emergency drills on a regular basis.

PLANNED CHANGES FOR HEALTH, ENVIRONMENT, AND SAFETY

The facility has incorporated the environmental, safety, health, and quality into an integrated "loss control" management system at the Crosby facility. Chemical exposure risks to employees and the public have been minimized through ongoing internal risk reduction efforts, employee involvement and participation, and hazard evaluation and assessment. Arkema's Integrated Management Systems (AIMS) provides the framework for the site comprehensive health, environmental, and safety program. OHSAS 18001 requirements have been incorporated into the integrated management system.

CERTIFICATION

I certify to the best of my knowledge, the information, and belief formed after reasonable inquiry that the information submitted is true, accurate, and complete. The most recent approved NSR Air Permit Compliance period began on December 9, 2011. The Crosby facility current Title V permit, operating permit number O-01554 was issued on August 28, 2011 and is currently reviewed and inspected by the TCEQ on a frequent basis.

Message

From: Gray, Jonathan [Jonathan.Gray@mail.house.gov]
Sent: 5/2/2017 4:17:54 PM
To: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: Water issue

Hmmm, he didn't mention anything to me about it. Was he referring to the EPA reg that put one of his companies out of business before he ran for Congress?

How's the new job been??

-----Original Message-----

From: Ringel, Aaron [mailto:ringel.aaron@epa.gov]
Sent: Tuesday, May 02, 2017 12:14 PM
To: Gray, Jonathan <Jonathan.Gray@mail.house.gov>
Subject: Water issue

Hey man, your boss brought up an issue dealing with treatment plant regulations on required chemicals at the meet the cabinet event last week with the administrator. Do you have additional info you could pass along. He's interested in the issue and I want to make sure I have all the details.

Thanks!
Aaron

Sent from my iPhone

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 8/27/2017 12:07:49 AM
CC: mark.cooper@la.gov; Richard.carbo@la.gov; jsamson@crt.la.gov; mark.cooper@la.gov; chuck.brown@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; dth@gov.texas.gov; Elizabeth.edwards@gov.texas.gov; logan.spence@ltgov.state.tx.us; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; jacqueline.ellis@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; sarah.noack@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; Justin.ackley@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; Ben.Couhig@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Vela, Austin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=213cae4573c4441cb543699ad802c024-Vela, Austin]
Subject: EPA Hurricane Harvey Press Release - Expanded TX fuel waiver

CONTACT: press@epa.gov

EPA Approves TCEQ Request to Expand Emergency Fuel Waiver

WASHINGTON (August 26, 2017) – Following Hurricane Harvey’s landfall in Texas, Environmental Protection Agency (EPA) Administrator Scott Pruitt has approved the request from the Texas Commission on Environmental Quality (TCEQ) to expand the emergency fuel waiver to include additional inland areas of the state.

The waiver will now include the four-county Dallas-Fort Worth reformulated gasoline (RFG) area, the 98-county area required to use low volatility fuel, and the 110-county area required to use Texas Low Emission Diesel (TxLED).

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry, at the request of Texas Commission on Environmental Quality Executive Director Richard Hyde and Texas Governor Greg Abbott.

The waiver supersedes the August 25, 2017 waiver and applies until September 15, 2017. As required by law, EPA and DOE evaluated the situation and determined that granting a short-term waiver was consistent with the public interest.

To mitigate any impacts on air quality the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers



CONTACT: press@epa.gov

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More information: www.epa.gov/enforcement/fuel-waivers



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 8/25/2017 10:07:07 PM
CC: mark.cooper@la.gov; Richard.carbo@la.gov; jsamson@crt.la.gov; mark.cooper@la.gov; chuck.brown@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; dth@gov.texas.gov; Elizabeth.edwards@gov.texas.gov; logan.spence@ltgov.state.tx.us; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; jacqueline.ellis@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; sarah.noack@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; Justin.ackley@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; Ben.Couhig@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Ben.couhig@mail.house.gov; Kelly.waterman@mail.house.gov; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Vela, Austin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=213cae4573c4441cb543699ad802c024-Vela, Austin]
Subject: EPA Hurricane Harvey Press Release

CONTACT: press@epa.gov

EPA Ready to Support FEMA, State Efforts on Hurricane Harvey

WASHINGTON (August 25, 2017) - EPA has an organized emergency response program for responding to man-made and natural disasters and is positioned to support the Federal Emergency Management Agency (FEMA), state, local, and tribal partners in response to Hurricane Harvey.

"I am in regular contact with EPA Region 6 and want to commend them for their leadership and preparation," said EPA Administrator Scott Pruitt. "EPA is closely coordinating with state and regional partners, and we have teams standing by to support FEMA. EPA is ready respond to anything that may occur due to Hurricane Harvey."

EPA headquarters emergency operations center is monitoring the storm closely and making preparations to activate in order to support states and regions affected by the storm.

EPA's Region 6 office in Dallas is taking action to ensure that Superfund sites are secured in advance of the storm, to assist approximately 300 public drinking water system rapid assessments, and to seamlessly integrate emergency response activities with Texas, Louisiana, and other federal response agencies.

EPA supports hurricane preparedness and response in a number of ways, including:

- **Addressing Fuel Shortages:** The Clean Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of the hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of any fuel waiver requests by the states.
- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power. EPA Region 6 has developed a tracking system for us to identify systems in the storm's pathway. About 300 public drinking water systems are in the path (red zone) of hurricane Harvey in Texas. Both Texas Commission on Environmental Quality and Louisiana Department of Hospitals have uploaded their potentially impacted systems into Response Manager, which enables planning for rapid assessments to restore water systems after the storm passes and flood waters recede. Following the storm, and if the state requests federal assistance, EPA conducts damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.
- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm's pathway and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and heavy rainfall. Following the storm and receding floodwaters, EPA conducts rapid assessments to identify damage at sites and initiate cleanup plans if necessary. Any on-site activities at sites located in the storm's path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. After a hurricane makes landfall and any flooding recedes, the EPA remedial managers will conduct assessments of each Superfund NPL site to ensure no damage has occurred.
- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the storm's pathway to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National Response Center. NRC notifies US Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

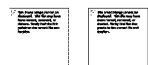
As EPA prepares to support FEMA and its local and state partners, it continues to focus its message on the importance of public safety. For information and updates from EPA, please visit EPA's emergency response website, www.epa.gov/hurricane-harvey.

For additional information on EPA's fuel waivers, please visit: www.epa.gov/enforcement/fuel-waivers.

Additional information from FEMA and USA.gov for hurricane Harvey can be found at:

www.fema.gov/hurricane-harvey

www.usa.gov/hurricane-harvey



From: Gray, David

Sent: Friday, August 25, 2017 3:37 PM

Cc: 'mark.cooper@la.gov' <mark.cooper@la.gov>; 'Richard.carbo@la.gov' <Richard.carbo@la.gov>; 'jsamson@crt.la.gov' <jsamson@crt.la.gov>; 'mark.cooper@la.gov' <mark.cooper@la.gov>; 'chuck.brown@la.gov' <chuck.brown@la.gov>; 'tim.beckstrom@la.gov' <tim.beckstrom@la.gov>; 'chris_stanley@kennedy.senate.gov' <chris_stanley@kennedy.senate.gov>; 'Drew_maranto@cassidy.senate.gov' <Drew_maranto@cassidy.senate.gov>; 'chris_gillott@cassidy.senate.gov' <chris_gillott@cassidy.senate.gov>; 'john_cummins@cassidy.senate.gov' <john_cummins@cassidy.senate.gov>; 'Blake_Schindler@cassidy.senate.gov' <Blake_Schindler@cassidy.senate.gov>; 'Ron_Anderson@cassidy.senate.gov' <Ron_Anderson@cassidy.senate.gov>; 'Charles.henry@mail.house.gov' <Charles.henry@mail.house.gov>; 'chris.bond@mail.house.gov' <chris.bond@mail.house.gov>;

'bill.hughes@mail.house.gov' <bill.hughes@mail.house.gov>; 'john.seale@mail.house.gov' <john.seale@mail.house.gov>; 'pam.marphis@mail.house.gov' <pam.marphis@mail.house.gov>; 'Justin.crossie@mail.house.gov' <Justin.crossie@mail.house.gov>; 'Danielle.evans@mail.house.gov' <Danielle.evans@mail.house.gov>; 'Charles.henry@mail.house.gov' <Charles.henry@mail.house.gov>; 'chris.bond@mail.house.gov' <chris.bond@mail.house.gov>; 'bill.hughes@mail.house.gov' <bill.hughes@mail.house.gov>; 'john.seale@mail.house.gov' <john.seale@mail.house.gov>; 'pam.marphis@mail.house.gov' <pam.marphis@mail.house.gov>; 'Justin.crossie@mail.house.gov' <Justin.crossie@mail.house.gov>; 'Danielle.evans@mail.house.gov' <Danielle.evans@mail.house.gov>; 'Priscilla.barbour@mail.house.gov' <Priscilla.barbour@mail.house.gov>; 'peter.hunter@mail.house.gov' <peter.hunter@mail.house.gov>; 'enix.smith@mail.house.gov' <enix.smith@mail.house.gov>; 'Karen.domino@mail.house.gov' <Karen.domino@mail.house.gov>; 'deshannon.russell@mail.house.gov' <deshannon.russell@mail.house.gov>; 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Subject: EPA Hurricane Harvey

All –

EPA is positioned and ready to support our state, local and tribal partners in response to Hurricane Harvey. EPA has a very organized and highly developed emergency response program for responding to man-made and natural disasters. Administrator Scott Pruitt has activated our emergency centers in Dallas. We have preparedness and readiness teams standing by, to support FEMA if needed.

EPA Headquarters emergency operations center is monitoring the storm closely and making preparations to activate in order to support Regions 4 and 6. Our Region 6 office in Dallas is taking action to ensure that Superfund Sites are secured in advance of the storm, to plan to assist the approximately 300 public water system rapid assessments, and to seamlessly integrate emergency response activities with Texas, Louisiana, and other federal response agencies. The Clean Air Act also allows the EPA Administrator, in consultation with the Secretary of the Department of Energy, to waive certain fuel requirements to address shortages that occur as a result of the storm. EPA has an experienced team standing by to expedite handling of any waiver requests by the states.

David Gray
EPA – Region 6, Dallas, Texas

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 8/26/2017 5:09:13 AM
CC: mark.cooper@la.gov; Richard.carbo@la.gov; jsamson@crt.la.gov; chuck.brown@la.gov; tim.beckstrom@la.gov; chris_stanley@kennedy.senate.gov; Drew_maranto@cassidy.senate.gov; chris_gillott@cassidy.senate.gov; john_cummins@cassidy.senate.gov; Blake_Schindler@cassidy.senate.gov; Ron_Anderson@cassidy.senate.gov; Charles.henry@mail.house.gov; chris.bond@mail.house.gov; bill.hughes@mail.house.gov; john.seale@mail.house.gov; pam.marphis@mail.house.gov; Justin.crossie@mail.house.gov; Danielle.evans@mail.house.gov; Priscilla.barbour@mail.house.gov; peter.hunter@mail.house.gov; enix.smith@mail.house.gov; Karen.domino@mail.house.gov; deshannon.russell@mail.house.gov; kathee.facchiano@mail.house.gov; ward.cormier@mail.house.gov; hayden.haynes@mail.house.gov; Joshua.hodges@mail.house.gov; Ainsley.holyfield@mail.house.gov; Marcie.smith@mail.house.gov; ruth.ward@mail.house.gov; luke.letlow@mail.house.gov; cole.avery@mail.house.gov; allen.cambon@mail.house.gov; wyatt.lobrano@mail.house.gov; paul.sawyer@mail.house.gov; ian.bennitt@mail.house.gov; dustin.davidson@mail.house.gov; dth@gov.texas.gov; Elizabeth.edwards@gov.texas.gov; logan.spence@ltgov.state.tx.us; bshaw@tceq.texas.gov; Thaddeus.Woody@mail.house.gov; Jason_wright@cruz.senate.gov; Michael_koerner@cruz.senate.gov; beth_jafari@cornyn.senate.gov; Stephen_Tausend@cornyn.senate.gov; Laura_atcheson@cornyn.senate.gov; jay_guerrero@cornyn.senate.gov; gina.foote@mail.house.gov; Tim.tarpley@mail.house.gov; Kim.brode@mail.house.gov; Jamie.gahun@mail.house.gov; lindsay.smith@mail.house.gov; doug.centilli@mail.house.gov; todd.stephens@mail.house.gov; Vita.swarers@mail.house.gov; jacqueline.ellis@mail.house.gov; amena.ross@mail.house.gov; hjk@mail.house.gov; Maryelen.williams@mail.house.gov; Kris.parker@mail.house.gov; Marita.mikeska@mail.house.gov; Holli.strong@mail.house.gov; Chara@mail.house.gov; sarah.noack@mail.house.gov; Jed.webb@mail.house.gov; Blake.hopper@mail.house.gov; Louise.bentsen@mail.house.gov; norma.brewster@mail.house.gov; rosie.cavazos@mail.house.gov; glenn.rushing@mail.house.gov; Gregory.Berry@mail.house.gov; Remmington.Belford@mail.house.gov; Booker.morris@mail.house.gov; Carlos_sanchez@mail.house.gov; Claudia.urrabazo@mail.house.gov; Ben.thomas@mail.house.gov; Ramon.chapa@mail.house.gov; Victoria.Shoemaker@mail.house.gov; steve.ruhlen@mail.house.gov; Sarah.whiting@mail.house.gov; richard.england@mail.house.gov; Michael.richards@mail.house.gov; Beau.rothschild@mail.house.gov; Blake.adami@mail.house.gov; jeffrey.wilson@mail.house.gov; bob.haueter@mail.house.gov; JD.kennedy@mail.house.gov; cynthia.gaona@mail.house.gov; ryan.ehly@mail.house.gov; Justin.vogt@mail.house.gov; Rhonda.jackson@mail.house.gov; Justin.ackley@mail.house.gov; veronica.custer@mail.house.gov; Sergio.espinosa@mail.house.gov; Mickeala.carter@mail.house.gov; Jose.pereida@mail.house.gov; Ben.Couhig@mail.house.gov; Stuart.burns@mail.house.gov; Will.carter@mail.house.gov; Kelly.waterman@mail.house.gov; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Vela, Austin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=213cae4573c4441cb543699ad802c024-Vela, Austin]
Subject: EPA Hurricane Harvey Press Release

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waiver for Texas

WASHINGTON (August 25, 2017) — EPA Administrator Pruitt exercised his authority under the Clean Air Act today to waive certain fuel requirements to address shortages resulting from Hurricane Harvey.

The Clear Air Act allows EPA Administrator Scott Pruitt, in consultation with Energy Secretary Rick Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. Administrator Pruitt

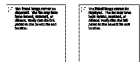
quickly determined that extreme and unusual fuel supply circumstances exist in portions of Texas as a result of the hurricane, and has granted a temporary waiver to help ensure an adequate supply of gasoline is available in the affected areas until normal supply to the region can be restored.

Waivers were granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry, at the request of Texas Commission on Environmental Quality Executive Director Richard Hyde and Texas Governor Greg Abbott.

The waiver in Texas applies until September 15, 2017 for reformulated gasoline (RFG), Reid vapor pressure (RVP) and Texas Low Emission Diesel (TxLED) in the affected Texas counties covered by Governor Abbot's Disaster Proclamation. As required by law, EPA and DOE evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA is continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey, and is ready to act expeditiously if extreme and unusual supply circumstances exist in other areas.

To mitigate any impacts on air quality the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: <https://www.epa.gov/enforcement/fuel-waivers>



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).

Environmental Protection Agency, [1200 Pennsylvania Avenue NW, Washington, DC 20460 United States](#)

Sent from my iPhone

On Aug 25, 2017, at 3:36 PM, Gray, David <gray.david@epa.gov> wrote:

All –

EPA is positioned and ready to support our state, local and tribal partners in response to Hurricane Harvey. EPA has a very organized and highly developed emergency response program for responding to man-made and natural disasters. Administrator Scott Pruitt has activated our emergency centers in Dallas. We have preparedness and readiness teams standing by, to support FEMA if needed.

EPA Headquarters emergency operations center is monitoring the storm closely and making preparations to activate in order to support Regions 4 and 6. Our Region 6 office in Dallas is taking action to ensure that Superfund Sites are secured in advance of the storm, to plan to assist the approximately 300 public water system rapid assessments, and to seamlessly integrate emergency response activities with Texas, Louisiana, and other federal response agencies. The Clean Air Act also allows the EPA Administrator, in consultation with the Secretary of the Department of Energy, to waive certain fuel requirements to address shortages that occur as a result of the storm. EPA has an experienced team standing by to expedite handling of any waiver requests by the states.

David Gray
EPA – Region 6, Dallas, Texas

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 8/30/2017 6:08:09 PM
To: Aaron E. Ringel (ringel.aaron@epa.gov) [ringel.aaron@epa.gov]
CC: Christian Rodrick (Rodrick.Christian@epa.gov) [Rodrick.Christian@epa.gov]
BCC: Martin, Mary [Mary.Martin@mail.house.gov]; Hassenboehler, Tom [Tom.Hassenboehler@mail.house.gov]; brandon.mooney@mail.house.gov; Johnston, AT [AT.Johnston@mail.house.gov]; andrew.keyes@mail.house.gov; thomas.hester@mail.house.gov; matthew.russell@mail.house.gov; ben.kochman@mail.house.gov; michael.seeds@mail.house.gov; sarah.noack@mail.house.gov; julie.merberg@mail.house.gov; aaron.woolf@mail.house.gov; eric.gustafson@mail.house.gov; glenn.rushing@mail.house.gov; benjamin.cantrell@mail.house.gov; tim.tarpley@mail.house.gov; ben.thomas@mail.house.gov; ags@mail.house.gov; richard.england@mail.house.gov; matthew.haskins@mail.house.gov; john.deoudes@mail.house.gov; matthew.haskins@mail.house.gov; sean.dillon@mail.house.gov; james.decker@mail.house.gov; blake.adami@mail.house.gov; ryan.ehly@mail.house.gov; sergio.espinosa@mail.house.gov; jett.thompson@mail.house.gov; murat.gokcigdem@mail.house.gov; grady.bourn@mail.house.gov; jennifer.choudhry@mail.house.gov; ashley.baker@mail.house.gov; michael.mucchetti@mail.house.gov; ben.couhig@mail.house.gov; emily.leviner@mail.house.gov; janelle.elfe@mail.house.gov; krista.rosenthal@mail.house.gov; corey.inglee@mail.house.gov; sahra.su@mail.house.gov; amena.ross@mail.house.gov; Thaddeus.Woody@mail.house.gov; Hannah.Jaeckle@mail.house.gov
Subject: EPA Approves Emergency Fuel Waivers for Gulf and East Coast States

All,

I wanted to make sure you had the latest information on the Emergency Fuel Waivers issued by EPA for the Gulf and East Coast. As always, please feel free to reach out should you have any questions.

Best,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Wednesday, August 30, 2017 1:31 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: EPA Approves Emergency Fuel Waivers for Gulf and East Coast States

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waivers for Gulf and East Coast States

WASHINGTON (AUGUST 30, 2017) — As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by Hurricane Harvey, EPA Administrator Scott Pruitt today exercised EPA's emergency fuel waiver authority to help ensure an adequate supply of fuel throughout the South, Southeast and the Mid-Atlantic.

EPA has waived requirements for reformulated gasoline and low volatility gasoline through September 15 in the following states: Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Texas, Louisiana and the District of Columbia. The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry.

As required by law, EPA and Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: 7/5/2017 8:39:31 PM
To: Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbae466da53c8a3aa3be8cc2-Rodrick, Ch]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
BCC: kiel.weaver@mail.house.gov; Brandon.Consolvo@mail.house.gov; bill.hughes@mail.house.gov; trent.bauserman@mail.house.gov; tom.hassenboehler@mail.house.gov; Amy.murphy@mail.house.gov; jonathan.vecchi@mail.house.gov; brian.maves@mail.house.gov; Helen.Dwight@mail.house.gov; sarah.killeen@mail.house.gov; James.decker@mail.house.gov; Jordan.See@mail.house.gov; Erynn.Hook@mail.house.gov; dante.cutrona@mail.house.gov; chris.marohl@mail.house.gov; chris.knauer@mail.house.gov; eric.gustafson@mail.house.gov; bobby.hamill@mail.house.gov; joel.miller@mail.house.gov; Jordan.downs@mail.house.gov; natalie.hales@mail.house.gov; preston.bell@mail.house.gov; david.rardin@mail.house.gov; josh.baggett@mail.house.gov; todd.mitchell@mail.house.gov; Jason.Isakovic@mail.house.gov; ben.elleson@mail.house.gov; blake.deeley@mail.house.gov; andrew.neill@mail.house.gov; Jonathan.Gray@mail.house.gov; Samuel.Spector@mail.house.gov; richard.england@mail.house.gov; john.seale@mail.house.gov; jordan.haverly@mail.house.gov; Brendan.Larkin@mail.house.gov; mark.ratner@mail.house.gov; Mac.McKinney@mail.house.gov; Riley.Bushue@mail.house.gov; yvette.wissmann@mail.house.gov; Dennis.Sills@mail.house.gov; tejasi.thatte@mail.house.gov; elizabeth.brown@mail.house.gov; asi.ofosu@mail.house.gov; tommy.walker@mail.house.gov; greg.sunstrum@mail.house.gov; chris.bowman@mail.house.gov; brian.skretny@mail.house.gov; Paul.Beck@mail.house.gov; sergio.espinosa@mail.house.gov; justin.maturo@mail.house.gov; eric.fins@mail.house.gov; ashley.shillingsburg@mail.house.gov; graham.mason@mail.house.gov; Jonathan.Gilbert@mail.house.gov; Teresa.Frison@mail.house.gov; Michael.Rogers@mail.house.gov; anais.borja@mail.house.gov; ross.arnett@mail.house.gov; johnm@mail.house.gov; Jason.Gleason@mail.house.gov; Brian.Laughlin@mail.house.gov; huck@mail.house.gov; mark.fowler@mail.house.gov; Rick.Kessler@mail.house.gov; At.johnston@mail.house.gov; John.Weber@mail.house.gov
Subject: EPA Proposes RFS Volumes Reflective of Market Realities for 2018

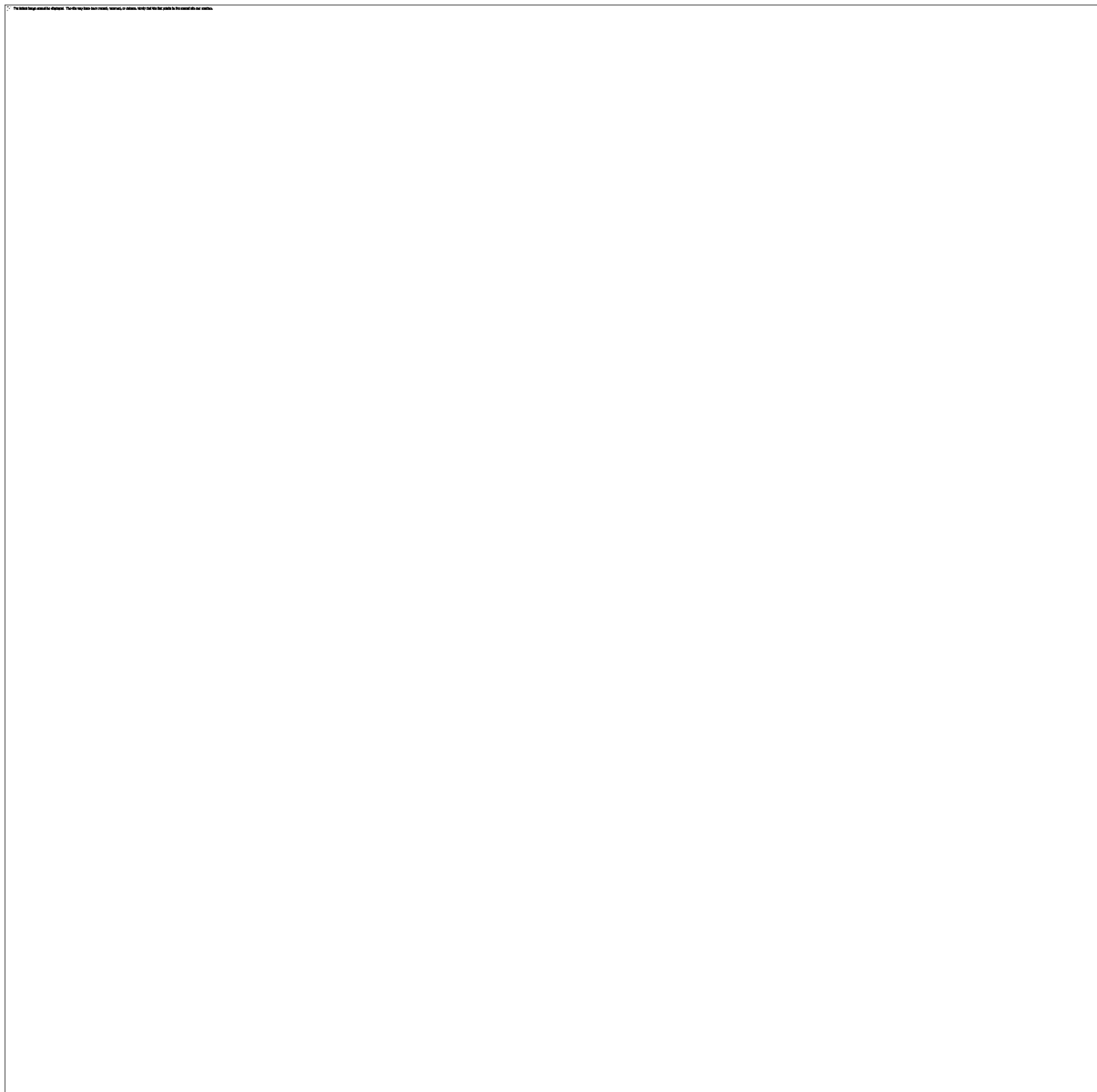
All,

I am resending the below email as a number of people have reported that they have not received it.

I wanted to share with you the below release on the proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in 2018 under the Renewable Fuel Standards (RFS) program, including the proposed volumes. If you have any questions, please do not hesitate to contact Aaron Ringel at Ringel.Aaron@epa.gov or myself.

Respectfully,

Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828
C: (202) 578-2755
E: Rodrick.Christian@epa.gov



EPA Proposes RFS Volumes Reflective of Market Realities for 2018 ***Starting Technical Analysis to Inform Future Reset Rules***

WASHINGTON - (July 5, 2017) Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today's action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels.

EPA is committed to successfully administering the RFS consistent with the direction entrusted to the Agency by Congress and is on track to meet the November 30th statutory deadline to make today's proposed Renewable Volume Obligations (RVOs) final. The proposed volumes are based on requirements under the law and an analysis of current market dynamics, including energy demand, biofuel production, and market constraints. The proposed standards will help stabilize the renewable fuels program and provide certainty for stakeholders.

“Increased fuel security is an important component of the path toward American energy dominance,” said EPA Administrator Scott Pruitt. “We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program.”

Some key elements of today’s action:

- Non-advanced or “conventional” renewable fuel volumes are maintained at the **15-billion gallon** target set by Congress.
- The biomass-based diesel standard for 2019 would be maintained at the 2018 levels of **2.1 billion gallons**.
- EPA is beginning technical analysis that will inform a future rule to reset the statutory volumes for cellulosic, advanced, and total biofuels. The law requires this reset when certain conditions are met.

EPA is also taking comment on addressing concerns that some RFS obligations are increasingly met with imported fuel from Brazil, Argentina and Indonesia. Additionally, the Agency is assessing higher levels of ethanol-free gasoline and bolstering an existing memorandum of understanding with the U.S. Commodity Futures Trading Commission (CFTC) to analyze and address a host of market concerns, including the need for increased transparency.

“The Clean Air Act requires EPA to reset volume targets when certain conditions are met. We expect those conditions to be met in the near future, so we are conducting technical analysis now, to inform future reset rules,” said Administrator Pruitt.

Proposed and Final Renewable Fuel Volume Requirements for 2014-2019

| | 2017 | Proposed 2018 | Proposed 2019 |
|---|-------|---------------|---------------|
| Cellulosic biofuel (million gallons): | 311 | 238 | n/a |
| Biomass-based diesel (billion gallons): | 2.0 | 2.1* | 2.1 |
| Advanced biofuel (billion gallons): | 4.28 | 4.24 | n/a |
| Renewable fuel (billion gallons): | 19.28 | 19.24 | n/a |

*Biomass-based diesel standard is final for 2018.

For more information on today’s announcement, go to: <https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>

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Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: 9/2/2017 10:46:26 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
BCC: kiel.weaver@mail.house.gov; Brandon.Consolvo@mail.house.gov; bill.hughes@mail.house.gov; trent.bauserman@mail.house.gov; Jason.Gray@mail.house.gov; tom.hassenboehler@mail.house.gov; Tina.Richards@mail.house.gov; ray.baum@mail.house.gov; karen.christian@mail.house.gov; mike.bloomquist@mail.house.gov; lamar.echols@mail.house.gov; peter.kielty@mail.house.gov; mark.ratner@mail.house.gov; rick.kessler@mail.house.gov; mary.martin@mail.house.gov; allison.trexler@mail.house.gov; Alicia.Smith@mail.house.gov; brendan.p.shields@mail.house.gov; hope.goins@mail.house.gov; kerry.kinirons@mail.house.gov; andrew.keyes@mail.house.gov; thomas.hester@mail.house.gov; matthew.russell@mail.house.gov; ben.kochman@mail.house.gov; michael.seeds@mail.house.gov; chara@mail.house.gov; julie.merberg@mail.house.gov; aaron.woolf@mail.house.gov; eric.gustafson@mail.house.gov; glenn.rushing@mail.house.gov; benjamin.cantrell@mail.house.gov; tim.tarpley@mail.house.gov; ben.thomas@mail.house.gov; ags@mail.house.gov; richard.england@mail.house.gov; stoney.burke@mail.house.gov; john.deoudes@mail.house.gov; matthew.haskins@mail.house.gov; sean.dillon@mail.house.gov; james.decker@mail.house.gov; blake.adami@mail.house.gov; ryan.ehly@mail.house.gov; sergio.espinosa@mail.house.gov; jett.thompson@mail.house.gov; murat.gokcigdem@mail.house.gov; grady.bourn@mail.house.gov; jennifer.choudhry@mail.house.gov; ashley.baker@mail.house.gov; michael.mucchetti@mail.house.gov; ben.couhig@mail.house.gov; emily.leviner@mail.house.gov; janelle.elfe@mail.house.gov; krista.rosenthall@mail.house.gov; corey.inglee@mail.house.gov; sahra.su@mail.house.gov; amena.ross@mail.house.gov; Thaddeus.Woody@mail.house.gov; Hannah.Jaeckle@mail.house.gov; Avery.Littrell@mail.house.gov; John.Seale@mail.house.gov; Peter.Hunter@mail.house.gov; Ward.Cormier@mail.house.gov; Josh.Hodges@mail.house.gov; Ted.Verrill@mail.house.gov; Ian.Bennitt@mail.house.gov
Subject: FW: Status of Superfund Sites in Areas Affected by Harvey

All,

I wanted to share with you the below release relating to the status of superfund sites in areas affected by Hurricane Harvey. As always, if you have any questions or concerns please do not hesitate to contact me.

Best,

*Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828*

Begin forwarded message:

From: EPA Press Office <noreply-subscriptions@epa.gov>
Date: September 2, 2017 at 4:54:27 PM EDT
To: <lyons.troy@epa.gov>
Subject: Status of Superfund Sites in Areas Affected by Harvey

CONTACT: press@epa.gov

STATUS OF SUPERFUND SITES IN AREAS AFFECTED BY HARVEY

WASHINGTON (September 2, 2017) — Despite misleading and inaccurate reporting, the facts are that EPA and TCEQ are working together, along with other local, state, and federal authorities and emergency responders around the clock to address the human health and environmental impacts of Hurricane Harvey and its effects, especially historic and devastating flooding throughout Southeast Texas. With regard to the status of Superfund sites.

EPA has conducted initial assessments at 41 Superfund sites in the impacted areas using aerial images, as well as direct contact with the parties responsible for on-going cleanup activities. EPA has determined that 28 Superfund sites in the area do not currently show damage or excessive flooding associated with Harvey. EPA determined that 13 sites have been flooded and/or are experiencing possible damage due to the storm. Of these sites, two (Falcon Refinery and the Brine Service) have been inspected and it has been determined that they do not require emergency cleanup; although, additional sampling in the area will continue to be conducted.

Eleven sites, including: Bailey Waste Disposal, French LTD, Geneva Industries/Fuhrmann Energy, Gulfco Marine, Highland Acid Pit, Malone Services, U.S. Oil Recovery, Patrick Bayou, Petro-Chemical Systems, Triangle Chemical, and San Jacinto Waste Pits have not been accessible by response personnel. Teams are in place to investigate possible damage to these sites as soon flood waters recede, and personnel are able to safely access the sites.

The San Jacinto Waste Pits site has a temporary armored cap designed to prevent migration of hazardous material; the cap will be inspected as soon as it is safe for teams access the site. Based on forecasted river conditions, this inspection is planned for Monday, by boat. EPA has dive teams to survey the cap underwater when conditions allow.

EPA, TCEQ and other authorities will continue to provide additional updates as we gather them. We encourage the community to continue to follow the expert safety advice of local officials.

For additional information from TCEQ, please visit: <https://www.tceq.texas.gov/response/hurricanes>



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
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To: Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbae466da53c8a3aa3be8cc2-Rodrick, Ch]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
BCC: kiel.weaver@mail.house.gov; Brandon.Consolvo@mail.house.gov; bill.hughes@mail.house.gov; trent.bauserman@mail.house.gov; tom.hassenboehler@mail.house.gov; Amy.murphy@mail.house.gov; jonathan.vecchi@mail.house.gov; brian.maves@mail.house.gov; Helen.Dwight@mail.house.gov; sarah.killeen@mail.house.gov; James.decker@mail.house.gov; Jordan.See@mail.house.gov; Erynn.Hook@mail.house.gov; dante.cutrona@mail.house.gov; chris.marohl@mail.house.gov; chris.knauer@mail.house.gov; eric.gustafson@mail.house.gov; bobby.hamill@mail.house.gov; joel.miller@mail.house.gov; Jordan.downs@mail.house.gov; natalie.hales@mail.house.gov; preston.bell@mail.house.gov; david.rardin@mail.house.gov; josh.baggett@mail.house.gov; todd.mitchell@mail.house.gov; Jason.Isakovic@mail.house.gov; ben.elleson@mail.house.gov; blake.deeley@mail.house.gov; andrew.neill@mail.house.gov; Jonathan.Gray@mail.house.gov; Samuel.Spector@mail.house.gov; richard.england@mail.house.gov; john.seale@mail.house.gov; jordan.haverly@mail.house.gov; Brendan.Larkin@mail.house.gov; mark.ratner@mail.house.gov; Mac.McKinney@mail.house.gov; Riley.Bushue@mail.house.gov; yvette.wissmann@mail.house.gov; Dennis.Sills@mail.house.gov; tejasi.thatte@mail.house.gov; elizabeth.brown@mail.house.gov; asi.ofosu@mail.house.gov; tommy.walker@mail.house.gov; greg.sunstrum@mail.house.gov; chris.bowman@mail.house.gov; brian.skretny@mail.house.gov; Paul.Beck@mail.house.gov; sergio.espinosa@mail.house.gov; justin.maturo@mail.house.gov; eric.fins@mail.house.gov; ashley.shillingsburg@mail.house.gov; graham.mason@mail.house.gov; Jonathan.Gilbert@mail.house.gov; Teresa.Frison@mail.house.gov; Michael.Rogers@mail.house.gov; anais.borja@mail.house.gov; ross.arnett@mail.house.gov; johnm@mail.house.gov; Jason.Gleason@mail.house.gov; Brian.Laughlin@mail.house.gov; huck@mail.house.gov; mark.fowler@mail.house.gov; Rick.Kessler@mail.house.gov; At.johnston@mail.house.gov; bart.fischer@mail.house.gov; John.Weber@mail.house.gov; john.busovsky@mail.house.gov; angela.inglett@mail.house.gov; alison.slagell@mail.house.gov; matt.meiners@mail.house.gov; haley.wilson@mail.house.gov; hillary.gross@mail.house.gov; craig.anderson@mail.house.gov; chris.jones@mail.house.gov; richard.wilkins@mail.house.gov; joe.tvrdy@mail.house.gov; tracey.chow@mail.house.gov; kevin.eastman@mail.house.gov; lavell.brown@mail.house.gov; james.walsh@mail.house.gov; zellie.duvall@mail.house.gov; mark.ratto@mail.house.gov; wills.denton@mail.house.gov; allen.cambon@mail.house.gov; Charles.Woods@mail.house.gov; caroline.cash@mail.house.gov; dalton.henry@mail.house.gov; patrick.flood@mail.house.gov; jeff.bishop@mail.house.gov; evan.lee@mail.house.gov; benjamin.cantrell@mail.house.gov; ashley.osterkamp@mail.house.gov; scott.petersen@mail.house.gov; randolph.briley@mail.house.gov; sarah.nasta@mail.house.gov; mike.cusher@mail.house.gov; luke.theriot@mail.house.gov; nathan.schelble@mail.house.gov; travis.krogman@mail.house.gov; will.mitchell@mail.house.gov; lyron.blum-evitts@mail.house.gov; tom.mintz@mail.house.gov; angeline.jabbar@mail.house.gov; sarah.kenyon@mail.house.gov; kendra.brown@mail.house.gov; derron.bennett@mail.house.gov; brandon.honeycutt@mail.house.gov; paul.babbitt@mail.house.gov; mike.nichola@mail.house.gov; elizabeth.connolly@mail.house.gov; Zach.Martin@mail.house.gov; hannah.matesic@mail.house.gov; dennis.wirtz@mail.house.gov; michael.defilippis@mail.house.gov; scott.fischer@mail.house.gov; matthew.moran@mail.house.gov; Nick.Christensen@mail.house.gov; reed.linsk@mail.house.gov; chris.jones@mail.house.gov; emily.ackerman@mail.house.gov; Hannah.Jaeckle@mail.house.gov; hillary.gross@mail.house.gov; laura.murtha@mail.house.gov; tracey.chow@mail.house.gov; scott.knittle@mail.house.gov; ben.williamson@mail.house.gov; patrick.schilling@mail.house.gov; miles.chiotti@mail.house.gov; peter.dodge@mail.house.gov; nicholas.scoufaras@mail.house.gov; alexander.osborne@mail.house.gov; jennifer.wood@mail.house.gov; mary.moody@mail.house.gov; ian.bennitt@mail.house.gov; ryan.mcmanus@mail.house.gov; wills.denton@mail.house.gov; mark.ratto@mail.house.gov; sarah.noack@mail.house.gov; kevin.eastman@mail.house.gov; jonathan.shuffield@mail.house.gov; noelle.verhelst@mail.house.gov; pat.pelletier@mail.house.gov; jeff.bishop@mail.house.gov; Allie.White@mail.house.gov; barry.smith@mail.house.gov; katherine.bloodgood@mail.house.gov; kris.pratt@mail.house.gov;

lauren.dudley@mail.house.gov; lisette.morton@mail.house.gov; justin.maturo@mail.house.gov; Todd.phillips@mail.house.gov; brandon.kaufman@mail.house.gov; steven.carlson@mail.house.gov; joseph.ciccione@mail.house.gov; jonathon.freye@mail.house.gov; patrick.cassidy@mail.house.gov; madeleine.pike@mail.house.gov; garrett.durst@mail.house.gov; arya.hariharan@mail.house.gov; nathan.bennett@mail.house.gov; will.mitchell@mail.house.gov; ben.rosenbaum@mail.house.gov; chris.gorud@mail.house.gov; jessica.brown@mail.house.gov; bradley.solyan@mail.house.gov; lyron.blum-evitts@mail.house.gov; nicholas.hromalik@mail.house.gov; robert.dougherty@mail.house.gov; kim.bowman@mail.house.gov; erika.Northington@mail.house.gov; Rachel.Gentile@mail.house.gov; varun.krovi@mail.house.gov; nathan.auck@mail.house.gov; chris.wydler@mail.house.gov; scott.ferguson@mail.house.gov; alison.slagell@mail.house.gov; jeff.vanderslice@mail.house.gov; marshall.yates@mail.house.gov; andrew.mooney@mail.house.gov; patrick.deitz@mail.house.gov; scott.knittle@mail.house.gov; christopher.ingraham@mail.house.gov; sarah.noack@mail.house.gov; courtney.kum@mail.house.gov; mary.moody@mail.house.gov; ryan.mcmanus@mail.house.gov; hunter.hobart@mail.house.gov; aubrey.neal@mail.house.gov; allen.cambon@mail.house.gov; ashley.antoskiewicz@mail.house.gov; laura.murtha@mail.house.gov; brandt.anderson@mail.house.gov; jeffrey.kuckuck@mail.house.gov; dalton.henry@mail.house.gov; evan.lee@mail.house.gov; david.l.grossman@mail.house.gov; justin.maturo@mail.house.gov; angela.ebner@mail.house.gov; jonathon.freye@mail.house.gov; sarah.round@mail.house.gov; kelvin.lum@mail.house.gov; jessica.brown@mail.house.gov; thaddeus.woody@mail.house.gov; zach.cafritz@mail.house.gov; grant.dubler@mail.house.gov; Patrick.Arness@mail.house.gov; jeff.oneil@mail.house.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e832e974bb642a28601a353685485e7-jeff.oneil@]; Brendan.Larkin@mail.house.gov; claire.viall@mail.house.gov; samantha.warren@mail.house.gov; elizabeth.songvilay@mail.house.gov; sarah.hanson1@mail.house.gov; Matt.Schafle@mail.house.gov; adam.stewart@mail.house.gov; michael.defilippis@mail.house.gov; caralee.conklin@mail.house.gov; james.thomas@mail.house.gov; brent.robinson@mail.house.gov; chris.tudor@mail.house.gov; robert.macgregor@mail.house.gov; john.busovsky@mail.house.gov; trevor.pearson@mail.house.gov; aaron.calkins@mail.house.gov; dustin.sherer@mail.house.gov; kevin.eastman@mail.house.gov; tracey.chow@mail.house.gov; tim.itnyre@mail.house.gov; jonathan.shuffield@mail.house.gov; ian.bennitt@mail.house.gov; caryn.hamner@mail.house.gov; jared.christel@mail.house.gov; ashley.antoskiewicz@mail.house.gov; laura.murtha@mail.house.gov; wills.denton@mail.house.gov; tony.lis@mail.house.gov; scott.hughes@mail.house.gov; marcie.smith@mail.house.gov; estefania.rodriguez@mail.house.gov; glenn.miller@mail.house.gov; joseph.ciccione@mail.house.gov; naomi.underwood@mail.house.gov; scott.petersen@mail.house.gov; seth.maiman@mail.house.gov; becky.cairns@mail.house.gov; nicholas.hromalik@mail.house.gov; Rachel.Gentile@mail.house.gov; zach.cafritz@mail.house.gov; rudy.soto@mail.house.gov; matt.lee2@mail.house.gov; elizabeth.songvilay@mail.house.gov; marsha.catron@mail.house.gov; mike.nichola@mail.house.gov; brandon.honeycutt@mail.house.gov; cody.mcclelland@mail.house.gov; maia.estes@mail.house.gov; pauline.jamry@mail.house.gov; Jason.Gray@mail.house.gov; andrew.fisher@mail.house.gov; tj.lowdermilk@mail.house.gov; james.neill@mail.house.gov; ian.foley@mail.house.gov; daniel.tidwell@mail.house.gov; alan.feyerherm@mail.house.gov; ben.kochman@mail.house.gov; anna.schartner@mail.house.gov; chris.cooper@mail.house.gov; jason.herbert@mail.house.gov; seth.engdahl@mail.house.gov; sarah.farhadian@mail.house.gov; stephanie.cuevas@mail.house.gov; marcus.garza@mail.house.gov; jeff.small@mail.house.gov; Rick.Kessler@mail.house.gov

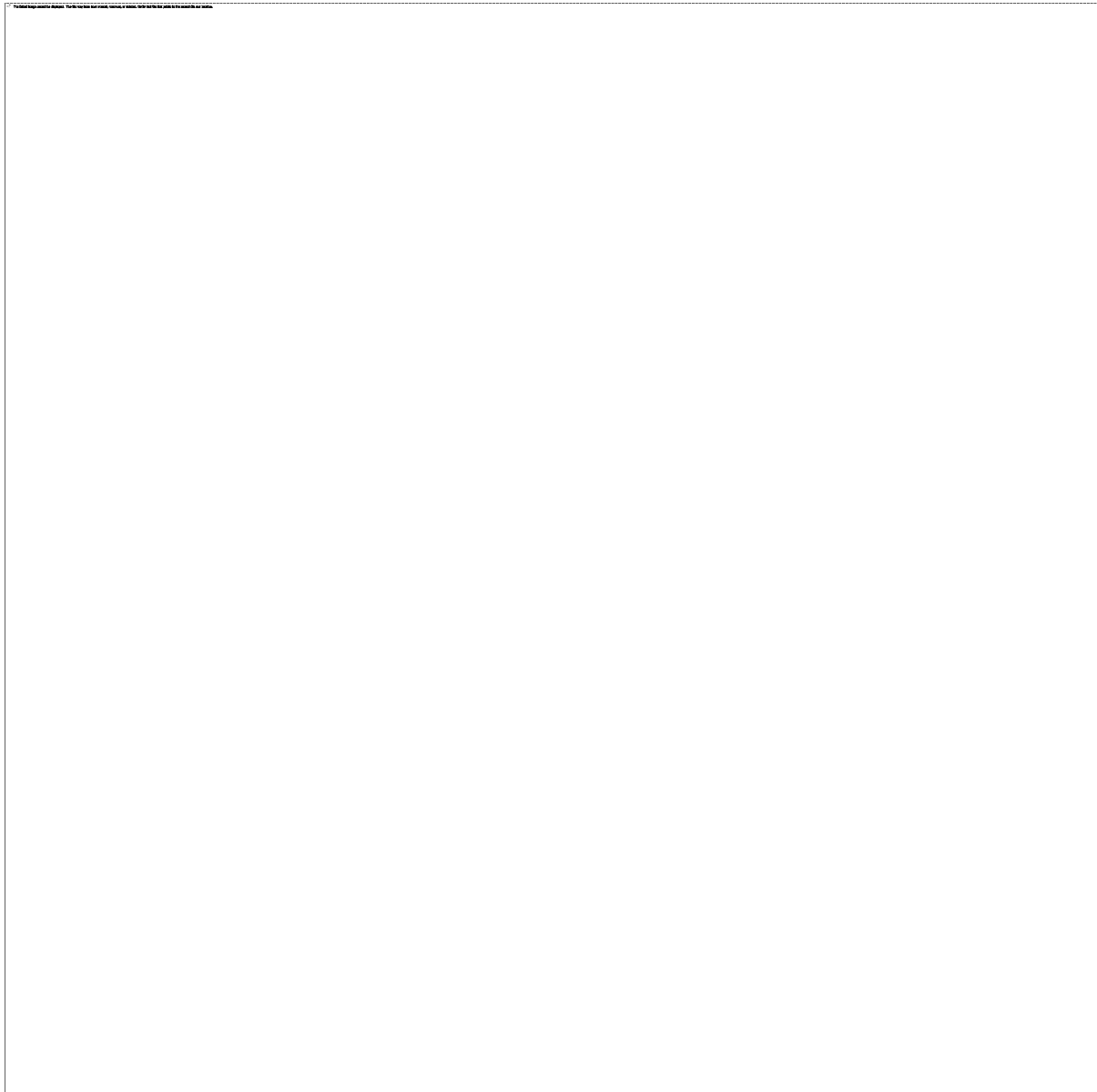
Subject: EPA Proposes RFS Volumes Reflective of Market Realities for 2018

All,

I wanted to share with you the below release on the proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in 2018 under the Renewable Fuel Standards (RFS) program, including the proposed volumes. If you have any questions, please do not hesitate to contact Aaron Ringel at Ringel.Aaron@epa.gov or myself.

Respectfully,

Christian Rodrick
Special Assistant



EPA Proposes RFS Volumes Reflective of Market Realities for 2018
Starting Technical Analysis to Inform Future Reset Rules

WASHINGTON - (July 5, 2017) Today, the U.S. Environmental Protection Agency (EPA) signed a proposed rule setting the minimum amount of renewable fuels that must be supplied to the market in calendar year 2018 under the Renewable Fuel Standards (RFS) program. Today's action proposes volume requirements and associated percentage standards that maintain renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels.

EPA is committed to successfully administering the RFS consistent with the direction entrusted to the Agency

by Congress and is on track to meet the November 30th statutory deadline to make today's proposed Renewable Volume Obligations (RVOs) final. The proposed volumes are based on requirements under the law and an analysis of current market dynamics, including energy demand, biofuel production, and market constraints. The proposed standards will help stabilize the renewable fuels program and provide certainty for stakeholders.

"Increased fuel security is an important component of the path toward American energy dominance," said EPA Administrator Scott Pruitt. **"We are proposing new volumes consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace. Timely implementation provides certainty to American refiners, the agriculture community and broader fuels industry, all of which play an important role in the RFS program."**

Some key elements of today's action:

- ✧ Non-advanced or "conventional" renewable fuel volumes are maintained at the **15-billion gallon** target set by Congress.
- ✧ The biomass-based diesel standard for 2019 would be maintained at the 2018 levels of **2.1 billion gallons**.
- ✧ EPA is beginning technical analysis that will inform a future rule to reset the statutory volumes for cellulosic, advanced, and total biofuels. The law requires this reset when certain conditions are met.

EPA is also taking comment on addressing concerns that some RFS obligations are increasingly met with imported fuel from Brazil, Argentina and Indonesia. Additionally, the Agency is assessing higher levels of ethanol-free gasoline and bolstering an existing memorandum of understanding with the U.S. Commodity Futures Trading Commission (CFTC) to analyze and address a host of market concerns, including the need for increased transparency.

"The Clean Air Act requires EPA to reset volume targets when certain conditions are met. We expect those conditions to be met in the near future, so we are conducting technical analysis now, to inform future reset rules," said Administrator Pruitt.

Proposed and Final Renewable Fuel Volume Requirements for 2014-2019

| | 2017 | Proposed 2018 | Proposed 2019 |
|--|-------------|----------------------|----------------------|
| Cellulosic biofuel (million gallons): | 311 | 238 | n/a |
| Biomass-based diesel (billion gallons): | 2.0 | 2.1* | 2.1 |
| Advanced biofuel (billion gallons): | 4.28 | 4.24 | n/a |
| Renewable fuel (billion gallons): | 19.28 | 19.24 | n/a |

*Biomass-based diesel standard is final for 2018.

For more information on today's announcement, go to: <https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>

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Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: 9/5/2017 1:08:03 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
BCC: kiel.weaver@mail.house.gov; Brandon.Consolvo@mail.house.gov; bill.hughes@mail.house.gov; trent.bauserman@mail.house.gov; Jason.Gray@mail.house.gov; tom.hassenboehler@mail.house.gov; Tina.Richards@mail.house.gov; Alicia.Smith@mail.house.gov; brendan.p.shields@mail.house.gov; hope.goins@mail.house.gov; kerry.kinirons@mail.house.gov; andrew.keyes@mail.house.gov; thomas.hester@mail.house.gov; matthew.russell@mail.house.gov; ben.kochman@mail.house.gov; michael.seeds@mail.house.gov; chara@mail.house.gov; julie.merberg@mail.house.gov; aaron.woolf@mail.house.gov; eric.gustafson@mail.house.gov; glenn.rushing@mail.house.gov; benjamin.cantrell@mail.house.gov; tim.tarpley@mail.house.gov; ben.thomas@mail.house.gov; ags@mail.house.gov; richard.england@mail.house.gov; stoney.burke@mail.house.gov; john.deoudes@mail.house.gov; matthew.haskins@mail.house.gov; sean.dillon@mail.house.gov; james.decker@mail.house.gov; blake.adami@mail.house.gov; ryan.ehly@mail.house.gov; sergio.espinosa@mail.house.gov; jett.thompson@mail.house.gov; murat.gokcigdem@mail.house.gov; grady.bourn@mail.house.gov; jennifer.choudhry@mail.house.gov; ashley.baker@mail.house.gov; michael.mucchetti@mail.house.gov; ben.couhig@mail.house.gov; emily.leviner@mail.house.gov; janelle.elfe@mail.house.gov; krista.rosenthal@mail.house.gov; corey.inglee@mail.house.gov; sahra.su@mail.house.gov; amena.ross@mail.house.gov; Thaddeus.Woody@mail.house.gov; Hannah.Jaeckle@mail.house.gov; Avery.Littrell@mail.house.gov; John.Seale@mail.house.gov; Peter.Hunter@mail.house.gov; Ward.Cormier@mail.house.gov; Josh.Hodges@mail.house.gov; Ted.Verrill@mail.house.gov; Ian.Bennitt@mail.house.gov
Subject: FW: HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY

All,

I wanted to share with you the below press release from yesterday evening regarding Houston area superfund sites being opened to news outlets. As always if you have any questions or concerns, please do not hesitate to reach out.

Thanks,

*Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828*

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: September 4, 2017 at 6:31:13 PM EDT
To:
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY

Troy, please forward to relevant elected officials. Thanks – Liz

CONTACT: press@epa.gov

HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY;

**TCEQ/EPA UPDATED LOCAL, NATIONAL LEADERS ON HEALTH, ENVIRONMENTAL EFFECTS
OF HARVEY**

DALLAS (September 4, 2017) - ABC, CBS, CNBC, CNN, & Bloomberg news crews joined TCEQ and EPA technical staff on site at Superfund sites around Houston today. The TV crews, following all health and safety requirements of site managers, shadowed the work of TCEQ and EPA technical experts on the ground at three Superfund sites: U.S. Oil Recovery, Highlands Acid Pits and the San Jacinto Waste Pits.

Crews were able to take videos, photographs and talk directly with technical staff and

subject matter experts on the ground. Boats were on the water determining impacts at the temporary armored cap in the San Jacinto River, to provide access to the crews.

"The TCEQ is working closely with the EPA and local officials to assess the status of Superfund sites in the affected area. We will continue this as sites are safely accessible," said TCEQ Chairman Bryan Shaw.

"We are working directly with those responsible for the on-going cleanup of Superfund sites to ensure that we have the most up-to-date information about health and environmental risks to the community from the effects of hurricane Harvey, especially at Superfund sites affected by the storm," said EPA Region 6 Acting Regional Administrator Sam Coleman.

In addition to taking news crews on site today, EPA Acting Regional Administrator Sam Coleman and TCEQ Chairman Bryan Shaw provided an update of their joint efforts to assess the health and environmental impacts of Hurricane Harvey to a local, state and federal officials. The discussion with local officials included: Harris County Judge Ed Emmett, Executive Director of the Harris County Flood Control District (HCFCD) Russ Poppe, Harris County Engineer and Director of Public Infrastructure John Blount and Dr. Umair Shah from the Harris County Public Health Department.

National participants included: officials and experts from the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (USACE) and the United States Department of Housing and Urban Development (HUD). Together, they provided updates to and answered questions from U.S. Senator John Cornyn, U.S. House of Representative Majority Leader Kevin McCarthy, U.S. Congressman Randy Weber and other government officials at the Harris County Emergency Operations Center in Houston.

Additionally, Houston Mayor Sylvester Turner and the city's leaders were briefed by EPA and TCEQ senior leadership on multiple issues, including the status of the Superfund sites in and around the Houston area.

As of Sunday, September 3rd, EPA staff was imbedded in Mayor Turner's office to provide continued communication among local, state and federal officials. EPA and TCEQ remain in constant communication with Governor Abbott's office.

In addition, TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data. That information is being analyzed by experts now and will be provided to the public as soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials



EPA Region 6 Acting Regional Administrator Sam Coleman updates the media on EPA response to Superfund sites affected by Hurricane Harvey

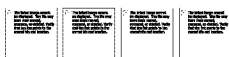
Briefing with local, state and national leaders in Houston

TCEQ Chairman Bryan Shaw meets with U.S. Senator John Cornyn at the Harris Co. Emergency Operations Center.

TCEQ Chairman Bryan Shaw and EPA Acting Regional Administrator for Region 6 Sam Coleman address the media at the San Jacinto Superfund site.



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Message

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Sent: 9/3/2017 7:36:13 PM
To: Rodrick, Christian [rodrick.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
BCC: Alicia.Smith@mail.house.gov; brendan.p.shields@mail.house.gov; hope.goins@mail.house.gov; kerry.kinirons@mail.house.gov; andrew.keyes@mail.house.gov; thomas.hester@mail.house.gov; matthew.russell@mail.house.gov; ben.kochman@mail.house.gov; michael.seeds@mail.house.gov; chara@mail.house.gov; julie.merberg@mail.house.gov; aaron.woolf@mail.house.gov; eric.gustafson@mail.house.gov; glenn.rushing@mail.house.gov; benjamin.cantrell@mail.house.gov; tim.tarpley@mail.house.gov; ben.thomas@mail.house.gov; ags@mail.house.gov; richard.england@mail.house.gov; stoney.burke@mail.house.gov; john.deoudes@mail.house.gov; matthew.haskins@mail.house.gov; sean.dillon@mail.house.gov; james.decker@mail.house.gov; blake.adami@mail.house.gov; ryan.ehly@mail.house.gov; sergio.espinosa@mail.house.gov; jett.thompson@mail.house.gov; murat.gokcigdem@mail.house.gov; grady.bourn@mail.house.gov; jennifer.choudhry@mail.house.gov; ashley.baker@mail.house.gov; michael.mucchetti@mail.house.gov; ben.couhig@mail.house.gov; emily.leviner@mail.house.gov; janelle.relf@mail.house.gov; krista.rosenthal@mail.house.gov; corey.inglee@mail.house.gov; sahra.su@mail.house.gov; amena.ross@mail.house.gov; Thaddeus.Woody@mail.house.gov; Hannah.Jaeckle@mail.house.gov; Avery.Littrell@mail.house.gov; John.Seale@mail.house.gov; Peter.Hunter@mail.house.gov; Ward.Cormier@mail.house.gov; Josh.Hodges@mail.house.gov; Ted.Verrill@mail.house.gov; Ian.Bennitt@mail.house.gov; kiel.weaver@mail.house.gov; Brandon.Consolvo@mail.house.gov; bill.hughes@mail.house.gov; trent.bauserman@mail.house.gov; Jason.Gray@mail.house.gov; tom.hassenboehler@mail.house.gov; Tina.Richards@mail.house.gov
Subject: FW: STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

All,

I wanted to make sure that you had seen EPA's below press release regarding the status of water systems in areas affected by Hurricane Harvey. As always, if you have any questions or concerns, please do not hesitate to reach out.

Best,

*Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828*

From: US EPA Press Office <noreply-subscriptions@epa.gov>
Date: September 3, 2017 at 11:28:58 AM EDT
To: <lyons.troy@epa.gov>
Subject: STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

CONTACT: press@epa.gov

STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

WASHINGTON (September 3, 2017) - Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. As of Saturday, September 2nd, 2017, the following information is available:

- Drinking Water: Half (2300) of the 4500 drinking water systems potentially affected by Harvey have been contacted. Of those: 1514 systems are fully operational, 166 have boil-water notices, and 50 are shut down. The agencies are contacting remaining systems to gather updated information of their status. Assistance Teams are in the field working

directly with system operators to expedite bringing systems back to operational status. Additional drinking water assessments should be up and running within the next day.

- **Waste Water and Sewage:** Currently, 1656 of approximately 2469 wastewater treatment plants are fully operational in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers that is occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the U.S. Coast Guard, the Texas Military Department, and other local and state agencies to continuously monitor wastewater systems. Houston's unified command will be up and running shortly to support water testing. Assistance Teams will be deployed to work directly with system operators to expedite bringing systems back to operational status.

- **Residential Wells:** EPA is developing a plan for sampling residential wells, and is coordinating with TCEQ to establish several locations where residents can bring water samples from their wells to be tested.

- **Flood Water:** Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Additional EPA/TCEQ updates include:

- **Superfund Sites:** EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. The most recent information can be found [here](#).

- **Air Quality Monitoring:** One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily removing approximately 75 percent of the stationary air monitoring equipment from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities are working to get the systems up and running again. As of Saturday, September 2, over 70 percent of the monitors are up and working again; and authorities expect that the network will be fully operational again by next week. Of the available air monitoring data collected from August 24-September 2, 2017, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning and local residents should not be concerned about air quality issues related to the effects of the storm.

- **Fires at Arkema Facility in Crosby, Texas:** EPA and TCEQ are coordinating closely with Harris County Officials along with the U.S. Department of Homeland Security, and other local public safety officials. As a result of initial chemical fires while the facility was flooded, EPA has collected downstream surface water runoff samples at four locations outside the evacuation zone, near residential areas. EPA and TCEQ will maintain a 24 hour watch and maintain a 24-hour presence at the incident command operations center near this facility, to support local emergency personnel on the ground. The 1.5 mile radius evacuation zone remains in effect until local emergency response authorities announce it is safe.

- **Refineries/Fuel Waivers:** In addition to waivers for 38 states and D.C., EPA signed four No Action Assurance (NAA) letters on September 1, to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. Each is effective until September 15, 2017, and should allow for the distribution in Texas of 10 million or more gallons of gasoline to consumers.

For additional information from TCEQ, please visit: <https://www.tceq.texas.gov/response/hurricanes>



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

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Sent: 7/25/2017 5:49:24 PM
To: Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
BCC: tom.hassenboehler@mail.house.gov; Tina.Richards@mail.house.gov; Amy.murphy@mail.house.gov; jonathan.vecchi@mail.house.gov; brian.maves@mail.house.gov; Helen.Dwight@mail.house.gov; sarah.killeen@mail.house.gov; James.decker@mail.house.gov; Jordan.See@mail.house.gov; Erynn.Hook@mail.house.gov; dante.cutrona@mail.house.gov; chris.marohl@mail.house.gov; chris.knauer@mail.house.gov; eric.gustafson@mail.house.gov; bobby.hamill@mail.house.gov; joel.miller@mail.house.gov; Jordan.downs@mail.house.gov; natalie.hales@mail.house.gov; preston.bell@mail.house.gov; david.rardin@mail.house.gov; josh.baggett@mail.house.gov; todd.mitchell@mail.house.gov; Jason.Isakovic@mail.house.gov; ben.elleson@mail.house.gov; blake.deeley@mail.house.gov; andrew.neill@mail.house.gov; Jonathan.Gray@mail.house.gov; Samuel.Spector@mail.house.gov; richard.england@mail.house.gov; john.seale@mail.house.gov; jordan.haverly@mail.house.gov; Brendan.Larkin@mail.house.gov; mark.ratner@mail.house.gov; Mac.McKinney@mail.house.gov; Riley.Bushue@mail.house.gov; yvette.wissmann@mail.house.gov; Dennis.Sills@mail.house.gov; tejasi.thatte@mail.house.gov; elizabeth.brown@mail.house.gov; asi.ofosu@mail.house.gov; tommy.walker@mail.house.gov; greg.sunstrum@mail.house.gov; chris.bowman@mail.house.gov; brian.skretny@mail.house.gov; Paul.Beck@mail.house.gov; sergio.espinosa@mail.house.gov; justin.maturo@mail.house.gov
Subject: RE: EPA Superfund Task Force Report
Attachments: Superfund Task Force Report FINAL - WEB.PDF

All, please use the attached updated version instead of the one from my previous email. There were a couple small changes that needed to be made for this public version.

Respectfully,

*Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828*

From: Rodrick, Christian
Sent: Tuesday, July 25, 2017 1:30 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: EPA Superfund Task Force Report

All,

I wanted to share with you a copy of the Superfund Task Force Report commissioned by Administrator Pruitt. Released today, the recommendations address: expediting cleanup and remediation process; reducing financial burden on all parties involved in the entire cleanup process; encouraging private investment; promoting redevelopment and community revitalization; and, building and strengthening partnerships.

As always, if you have any questions or concerns, please feel free to reach out to Aaron Ringel at Ringel.Aaron@epa.gov, or myself.

Respectfully,

Christian Rodrick

Special Assistant

Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

O: (202) 564-4828

C: (202) 578-2755

E: Rodrick.Christian@epa.gov



SUPERFUND TASK FORCE RECOMMENDATIONS

Recommendations in response to Administrator Scott Pruitt's request on May 22, 2017. The recommendations address: expediting cleanup and remediation process; reducing financial burden on all parties involved in the entire cleanup process; encouraging private investment; promoting redevelopment and community revitalization; and, building and strengthening partnerships.



July 25, 2017

The U.S. Environmental Protection Agency has an important role to ensure stewardship of our natural resources, including clean air, land, and water. A key objective to this goal is revitalizing land, to return it back to local communities so they can enjoy it.

When I assumed my role as EPA Administrator, I was astounded to learn there were over 1,330 Superfund sites across this country – sites where land has languished and left with contamination seeping into the land and water. Unfortunately, many of these sites have been listed as Superfund sites for decades, some for as many as 30 years. This is not acceptable. We can – and should – do better.

This is why earlier this year, I appointed a ‘Superfund Task Force’. In both a thorough and timely manner, the task force has conducted a review of the Superfund sites and issued this report in order to provide certainty to the American families, businesses, local governments and economies that depend on EPA to provide the leadership and management needed to properly cleanup contaminated sites.

There are many hard working people who have dedicated their careers to cleaning up these sites, but they were not served well by the previous leadership – leadership that put other priorities first. I ask myself every day, what could be more important, more ‘core’ than giving Americans the ability to use the land they are blessed with. This report demonstrates EPA’s commitment to getting these sites cleaned up so that the land is safe for those who build, live or play on it.

The professionals at EPA and the stakeholder partners that contributed to this report share my passion to clean up the country’s worst pollution, as expeditiously and as thoroughly as possible. We welcome the feedback and help from all stakeholders in this national effort. And, we look forward to working together, with states, local communities and tribes – alongside those who are responsible for cleaning up their pollution.

Collectively, we can achieve great things when we provide the leadership and management that Americans deserve.

Respectfully,

E. Scott Pruitt
Administrator

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“Depending on how the various recommendations and proposals in this report may be further developed and implemented, the wording and objectives of some of the items in the report may need to be refined to ensure consistency with existing laws, regulations and EPA guidance documents; in some cases, it also might be appropriate to modify existing policy statements, amend current regulations, or seek legislative amendments to clarify the Agency’s authorities. The Task Force Report is not final Agency action.”

Executive Summary

The core mission of the Environmental Protection Agency is to protect the health of our citizens and the environment in which we all live. Action now serves to preserve that environment for future generations. Under Administrator Pruitt's leadership, we are focused on returning to that essential core mission. The Comprehensive Environmental Response, Compensation, and Liability Act or (CERCLA) also known as 'Superfund' was signed into law on December 11, 1980. Since its beginning, the Superfund Program has made remarkable achievements, most of which represent significant contributions to the nation's collective health and quality of life. Superfund, with its many tools, abates and remediates sites contaminated with hazardous waste and reduces risk to both humans and the environment as a whole.

The National Priorities List (NPL) came into existence in 1983. It represents those properties that are the most contaminated and pose the most risk to human health and the environment. Since that time, many sites have been listed on the NPL and many have been remediated and removed. However, sites still remain and each year sites are added to the list. As of June 21, 2017, there are 1,336 sites on the NPL, of which 1,179 are private sites and 157 are Federal Facility sites. Many of these are in different stages of completion and will move off the NPL list in the future, once site completion is achieved. As such, much work still remains. This plan will improve and expedite the process of site remediation and promote reuse.

Administrator Pruitt commissioned the Superfund Task Force on May 22, 2017. The Task Force was charged to 'provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country.' To focus their mission more precisely, the Task Force was given 30 days to complete its mission.

This document presents a set of recommendations that are reflective of the expectations of substantive action from the Administrator. It does not represent all potential actions that may be needed in the future. Rather, it represents a good beginning that will lead to program efficiencies and identify areas for further refining. Importantly, such refinement will be the subject of close stakeholder engagement as we seek to strengthen our partnerships with all those involved in the Superfund process. The recommended actions in this document are reflective of this Administrator's top priorities to reinvigorate and prioritize the Superfund program in a most expeditious manner.

The goals of this plan reflect the charge received by the Administrator, namely:

- Expediting Cleanup and Remediation
- Re-Invigorating Responsible Party Cleanup and Reuse
- Encouraging Private Investment
- Promoting Redevelopment and Community Revitalization
- Engaging Partners and Stakeholders

This plan provides for specific actions, offers time frames for commencement, and identifies EPA staff responsible for each action's implementation. The specific actions outlined are all planned to commence within twelve months and many will be initiated immediately following the approval of the plan. Components of the plan may be revised to include additional actions that may be taken at any stage of feedback, preparation, or implementation. Again, such revisions, improvements, and even additions to the plan are anticipated as we engage with our many stakeholders on the plan's details in an effort to greatly enhance our partnerships throughout the Superfund process. Therefore, the plan was designed to be fluid, dynamic, adaptable and provide both substance and accountability. It will be a living, ever improving action plan.

The Task Force had many members participate. Over the course of this project, upwards of 80 highly experienced EPA professionals, including management and staff, were involved. Five groups, one for each goal, were formed to develop recommendations. The groups' chairs were Dana Stalcup, Ken Patterson, Karen Melvin, Betsy Smidinger, Monica Gardner, Debra Morey, Frank Avvisato, Matthew Tejada, Greg Gervais, Silvina Fonseca and Cyndy Mackey. These individuals used their extensive program knowledge and experience to develop the specific actions identified in the plan. Additionally, many unsolicited, but welcome, letters and white papers were received from industry, trade groups and individual companies which were considered by the Task Force members. Ultimately, the Task Force carefully considered many proposed recommendations but put forth a specific set of actions that could make a difference and meet the charge from the Administrator. Many of these recommendations will be the basis for future actions and plan revisions.

The Superfund Task Force Report identifies a number of opportunities to accelerate cleanup and reuse of Superfund cleanups. This effort identified 42 recommendations that can be initiated without legislative changes during the next year. These recommendations and other innovative ideas will be considered and applied to Superfund Sites with priority given to addressing NPL sites.

A summary of the proposals is the following:

- High attention is given to the Administrator's keen focus on sites that have seemingly taken far too long to remediate. This will be accomplished by:
 - *Establishing an "Administrator's Top Ten" list which will get his weekly attention.*
 - *Directing inquiry and resources as necessary to sites that have been on the NPL for five years or longer without a significant movement.*
 - *Reviewing all remedy review and approval authorities so as to have consistency across the nation.*
- Third party investments in NPL cleanups will become an operational way for the agency to accelerate cleanups and promote reuse of NPL sites. This will be done by identifying reuse candidate sites that are selected to pilot innovative tools and incentives. This includes:
 - *Publicizing site-specific information, including reuse fact sheets to inform the community and developers about properties with reuse potential.*
 - *Engaging communities in identifying cleanup and reuse opportunities.*
 - *Entering into site-specific agreements that define the responsibilities and liabilities of a third party investor.*
 - *Utilizing alternative approaches to financing site cleanups, including environmental liability transfer approaches.*
 - *Working with PRPs to better integrate reuse needs into cleanup activities.*
- NPL sites at which remedies have already been selected will be prioritized for faster completion and deletion from the NPL. Tools to achieve this goal include:
 - *Requiring Remedy Completion Strategies to identify next steps and track progress.*
 - *Conducting Optimization Reviews, including identification of fifteen sites at which to immediately pilot such review.*
 - *Implementing early response actions at selected portions of sites.*
 - *Finishing sites where construction is completed or nearly completed in order to transition the site from "Remedial Action" to "Ready for Reuse" to Deletion, as appropriate.*
- NPL sites in the assessment and investigation stages will be expedited by applying new technologies and approaches, including:
 - *Utilizing state of the art technologies, including using conceptual site model technologies at ten NPL sites.*

- *Increasing access to technical resources.*
- *Promoting Adaptive Management at Complex Sites, including using Interim/Early Actions.*
- *Clarifying Groundwater Cleanup Goals*
- Efforts to secure PRP commitments to perform timely, high quality cleanup will be invigorated. EPA will provide increased inducements and deterrents to encourage PRPs to quickly complete negotiations and cleanup commitments, including:
 - *Reducing oversight costs for PRPs that perform timely, high quality work. This may include a compromise that reduces indirect cost charging. It may also include designating a singular agency or third party to oversee certain aspects of the cleanup.*
 - *Increasing PRP and agency personnel adherence to project deadlines.*
 - *Utilizing enforcement authorities to get work underway quickly and to keep work on schedule.*
 - *Streamlining the dispute resolution process at Federal Facilities and private sites so that final decisions are promptly made and quickly implemented.*
- Development of strong stakeholder relationships is key to EPA's remediation success. This will include:
 - *Ongoing and robust dialogue with stakeholders*
 - *Use of the input and feedback from these stakeholders to continuously upgrade the plan*
 - *Higher focus on our Federal industry partners*
 - *Joint identification of barriers to success*

The Plan includes many more details and other actions. For those of us who were privileged to work on this project, we are pleased and excited to be a part of the EPA's core mission. The recommendations and associated actions in this plan should expedite reduction of risks to human health and the environment and accelerate the reuse of properties affected by hazardous waste contamination. The recommendations and specific actions will benefit our citizens now and those of generations to come.

June 21, 2017
Environmental Protection Agency
Superfund Task Force
Washington, DC

GOAL 1: EXPEDITING CLEANUP AND REMEDIATION

STRATEGY 1: EVALUATE AND ACCELERATE NATIONAL PRIORITIES LIST (NPL) SITES TO COMPLETION

Background: As of June 21, 2017, there are 1,336 sites on the National Priorities List (NPL). These sites (and portions thereof) are in various stages of investigation, cleanup, and reuse. As sites have been added, EPA has chosen to spread its resources across the Superfund pipeline to maximize its ability to make incremental progress at a majority of the sites. An effort to accelerate remedial action and NPL completions will involve re-prioritizing some resources to focus on remedial actions, construction completions, ready-for-reuse determinations, and deletions.

RECOMMENDATION 1: Target NPL Sites That Are Not Showing Sufficient Progress Towards Site Cleanup and Completion

Specific Actions:

- Develop a list of potential NPL sites to target for completion based on any the following criteria:
 - o Five years listed on the NPL without a selected action;
 - o Remedy design not started for a remedy selected more than 2 years ago;
 - o Remedial action not started which have a Potentially Responsible Party (PRP); or,
 - o Sites with special accounts with a remedial design completed more than 2 years ago.
- As sites are completed, replenish the NPL-targeted list.
- Establish a Top Ten Administrator's Emphasis List on sites determined to need immediate and intense attention:
 - o Determine method for designating sites;
 - o Find obstacles to completion and address them;
 - o Report progress through monthly reports submitted directly to the Administrator; and,
 - o As sites are completed, replenish the list.
- Determine any site where human exposure is not under control and prioritize effecting control.
- Develop recommendations for a process for working with Regions to:
 - o Establish metrics on all sites to track progress, including PRP lead, length of time to estimated partial or complete deletion, costs anticipated, etc.;
 - o Develop project timelines and exit strategies; and,
 - o Track and report progress on achieving/meeting timelines.

Timeframe: Commence activities within 30 days of approval of this plan

RECOMMENDATION 2: Develop Strategies for NPL Sites where Remedies have been Selected to Move Sites Towards NPL Deletion

Specific Actions:

- Prepare and issue a directive to establish and adhere to a process for tracking and reporting on the progress towards site completion.
- Track remedy completion progress within Superfund Enterprise Management System (SEMS) or with other tracking methods if more efficient.
- Conduct regional and Headquarters work planning sessions semi-annually to discuss and develop strategies for site completion.
- Provide to the Administrator an annual report of sites progressing to completion.
- Review and revise the NPL deletion policy to maximize statutory flexibility.
- Focus resources on maximizing deletions/partial deletions for sites that meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) requirements.

Timeframe: Commence activities within 30 days of approval of this plan

STRATEGY 2: PROMOTE THE APPLICATION OF ADAPTIVE MANAGEMENT AT COMPLEX SITES AND EXPEDITE CLEANUP THROUGH USE OF EARLY/INTERIM RODS AND REMOVAL ACTIONS

Background: Adaptive Management is an approach used at large and/or complex sites that focuses limited resources on making informed decisions throughout the remedial process. Adaptive management requires the development of a clear site strategy with measurable decision points, and focuses site decision making on a sound understanding of site conditions and uncertainties. Based on site uncertainties, decisions are made from data collection, to remedy selection and implementation that allow for the ability to adapt in the event that these uncertainties result in fundamental changes to site conditions.

Under an Adaptive Management strategy, Regions are encouraged to consider greater use of early and/or interim actions including use of removal authority or interim remedies, to address immediate risks, prevent source migration, and to return portions of sites to use pending more detailed evaluations on other parts of sites. The characterization data collected to support the early/interim actions can be used to update the site Conceptual Site Model (CSM) and reduce time and costs associated with the Remedial Investigation/Feasibility Study (RI/FS). This approach will be most effective at contaminated sediment and complex groundwater sites where using removals or early actions to address sources or areas of high contamination is highly efficient. US EPA's 2017 Directive (9200.1-130) memo reiterates EPA's stated bias for initiating responses as soon as the information makes it possible to do so and recommends the use of removals or early actions to quickly address high risk areas. US EPA's 1996 Directive (9283.1-12) outlines the "phased approach" strategy for addressing contaminated groundwater integration, site characterization, early actions, and remedy selection.

RECOMMENDATION 3: Broaden the Use of Adaptive Management (AM) at Superfund Sites

Specific Actions:

- Prepare a directive outlining adaptive management, including greater use of early actions and interim Records of Decision (RODs), and considerations for implementation at Superfund sites.
- Identify pilots to demonstrate AM implementation throughout the pipeline.
- Communicate success stories in this area.

Timeframe: Q3, FY18

STRATEGY 3: CLARIFY POLICIES/GUIDANCE TO EXPEDITE REMEDIATION

Background: Regions should be consistent in prioritizing RI/FSs to identify those sites that need more immediate action in order to help focus available funds and resources. Targeting our efforts, resources and funding may achieve efficiencies in both performance and results. This will foster cooperative partnerships, shorten review times, target sampling and analysis, foster creative thinking, provide a higher level of program accountability and communicate EPA's commitment to the public. In order to accomplish this, the program should focus resources (funds and personnel) to activities associated with NPL sites and establish timeframes and financial limits for conducting RI/FSs.

The principles of groundwater restoration are key concepts outlined in CERCLA and the National Contingency Plan (NCP). Developing improved guidance in this area may help facilitate more timely remedy decisions and make use of the flexibilities inherent within the statute and the NCP. Flexibilities include: using a phased approach, considering monitored natural attenuation, determining whether a technical impracticability waiver is warranted, etc. These strategies, considered early in the cleanup process, may allow for early stakeholder consensus and input and more expedient implementation of remedies.

Currently, the National Remedy Review Board (NRRB) and Contaminated Sediments Technical Advisory Group (CSTAG) are review boards for high-cost sites and sediment sites respectively. Current policy provides that all remedy decisions over \$50 million, which require approval by the Administrator, undergo an NRRB review. Both national consistency and expediting remedy completion are goals of this Administration.

RECOMMENDATION 4: To Better Promote National Consistency and Review, Update the Authority for Approval of the Remedy Selection While Considering the Retained Authority of the Administrator

Specific Actions:

- Review the current approval and review authority for sites in excess of \$50 million.
- Review current approval and review authority for all sediment sites.
- Create new procedures with timelines for review of remedies in excess of \$50 million or that have sediment sites.
- Prepare protocol for submission of remedy proposals to the Administrator.
- Determine all current levels of authority to approve remedies.
- Evaluate proper levels of authority in light of the Administrator's directive.
- Make recommendations to the Administrator.

Timeframe: Q1, FY18

RECOMMENDATION 5: Clarify Priorities for RI/FS Resources and Encourage Performing Interim/Early Actions During the RI/FS Process to Address Immediate Risks

Specific Actions:

- Develop criteria for Regions to apply when prioritizing projects so that resources are directed in the order of priority. Include time limits for completing RI/FS.
- Evaluate EPA retaining engagement and direction of the Feasibility Studies.
- Prepare and issue policy memorandum that requires Regions to:
 - Focus on NPL sites first;
 - Establish criteria for prioritizing RI/FSs;
 - Set time and funding parameters for RI/FSs; and,
 - Promote and direct use of early/interim actions.

Timeframe: Q1, FY18

RECOMMENDATION 6: Provide Clarification to the Principles for Superfund Groundwater Restoration

Specific Actions:

- Draft a proposed policy for Clarification of Groundwater Flexibilities with special emphasis directed to early action and the phased approach of remedy selection and implementation. Once drafted and approved, distribute the Policy and provide outreach and training.
- Evaluate the groundwater beneficial use policy with a focus on beneficial use determinations for aquifers not reasonably anticipated for drinking water use in the near-term or long-term.
 - Maintain current policy for drinking water aquifers that are currently used for these purposes.
 - For aquifers not reasonably anticipated for drinking water use in the near- or long-term, consider modifying how groundwater use designation is determined for these aquifers.

(The revised strategy should reflect the input from Office of Water and partners to CERCLA cleanups (e.g. federal facilities, state and tribal governments, communities, and environmental organizations) when making these decisions.)

Timeframe:

1. Groundwater Flexibilities Policy Memorandum:
 - a. Draft – Q2, FY18
 - b. Final – Q4, FY18
2. Groundwater Use Criteria:
 - a. Options Paper for Management Consideration – Q3, FY18
 - b. Draft Policy Revision (if applicable) – Q4, FY18

STRATEGY 4: USE BEST MANAGEMENT PRACTICES, SYSTEMATIC PLANNING, REMEDY OPTIMIZATION, AND ACCESS TO EXPERT TECHNICAL RESOURCES TO EXPEDITE REMEDIATION

Background: Site characterization and remedial actions can take years to complete, especially when site conditions are complex and dynamic. Remedial activities should be continually reviewed and optimized in order to enhance the understanding of the changing site complexities and conditions.

Reinforcing the need for thorough systematic planning early in the process and throughout the project lifecycle as well as providing Remedial Project Managers (RPMs) the resources for systematic planning facilitation could significantly improve project efficiencies. Further, as site work progresses, emphasizing progress review through independent, third-party optimization¹ of the remedy and evolving site conditions can help ensure maximum effectiveness throughout the project life cycle. RPMs shall utilize best science and continue research on innovative technologies and cleanup approaches; while promoting Best Management Practices (BMPs) for optimization activities. Remedial Investigation/ Feasibility Study (RI/FS) planning will require development of tools and enhanced communication of internal and external resources to support these activities.

Recent developments in real-time investigation technologies and data visualization techniques offer opportunities to build robust understanding of site conditions portrayed in CSMs focused on root causes and high-value, targeted, remedial actions. Advances in electronic data capture and distance collaboration platforms enable project stakeholders to work as a team on RI/FS and Remedial Design/Remedial Action (RD/RA) activities, ensuring all stakeholder concerns are

¹ EPA defines optimization as: “Efforts at any phase of the removal or remedial response to identify and implement specific actions that improve the effectiveness and cost-efficiency of that phase. Such actions may also improve the remedy’s protectiveness and long-term implementation which may facilitate progress towards site completion. To identify these opportunities, regions may use a systematic site review by a team of independent technical experts, apply techniques or principles from Green Remediation or Triad, or apply other approaches to identify opportunities for greater efficiency and effectiveness.” For more information, reference the Office of Remediation and Technology Innovation June 2013 Guidance, “Remediation Optimization: Definition, Scope and Approach” available at https://clu-in.org/Optimization/pdfs/OptimizationPrimer_final_June2013.pdf

considered as the work is performed. In this way, the team can focus on taking actions that drive sites toward completion.

RECOMMENDATION 7: Promote Use of Third-Party Optimization Throughout the Remediation Process and Focus Optimization on Complex Sites or Sites of Significant Public Interest

Specific Actions:

- Expand the use of third-party optimization evaluations throughout all phases of the pipeline on selected sites.
- Determine complex sites and sites of significant public interest:
 - Provide internal or external review and support for key project milestones;
 - Identify opportunities for efficiencies and cost savings; and,
 - Ensure a clear path to project completion.

Timeframe: Q1, FY18

RECOMMENDATION 8: Reinforce Focused Scoping Which Closely Targets the Specific Areas for Remediation and Identify and Use Best Management Practices (BMP) in the RI/FS Stage

Specific Actions:

- Prepare and issue a directive requiring the use of project scoping and outlining expected processes and procedures to be utilized in choosing the appropriate response action.
- Develop a plan to increase regional expertise to support this planning function.
- Study best management practices used across all Regions and adopt those nationally.

Timeframe: Q1, FY18

RECOMMENDATION 9: Utilize State-Of-The-Art Technologies to Expedite Cleanup

Specific Actions:

- Expand the use of real-time investigation technologies and data visualization techniques.
- Determine other available state-of-the-art technologies on at least an annual basis.
- Compile annual report of new technologies and their applicability.

Timeframe: Q2, FY18

RECOMMENDATION 10: Develop a Technical Support Team and Tools to Inform RPMs Regarding Available Resources to Assist with Best Management Practice (BMP) Applications, Including Scoping and Targeted Technical Reviews

Specific Actions:

- Finalize online catalog of in-house resources using Tech Hub.
- Develop analytical and reporting capabilities to evaluate, document, and disseminate information on pilot studies and other demonstrations of innovative tools and technologies.

- Increase awareness of and expand the existing ORD TSC Share Point site for requesting and tracking technical assistance requests for ORD TSCs and STLs.
- Combine or develop an additional tool for requesting and tracking OSRTI Environmental Response Team (ERT) technical assistance requests.
- Identify fifteen sites to undergo a Technical Support Team optimization review.

Timeframe: Q2, FY18

RECOMMENDATION 11: Review all Third-Party Contracting Procedures, Large EPA-Approved Contractors, and Contracts to Determine Appropriate Use Parameters and Qualification Methods for EPA Contracting

Specific Actions:

- Consult with regions to determine the current use parameters and frequency of use of third-party contractors.
- Review amount of funds expended on outside contractors agency wide, including review of budgeted allocations.
- Specifically examine sole source contracts and contractors.
- Determine authorization levels for use of contractors.
- Review all large contractors approved by EPA.
- Involve appropriate personnel to modify, if necessary, the protocol for use of outside contractors.

Timeframe: Q1, FY18

GOAL 2: RE-INVIGORATING RESPONSIBLE PARTY CLEANUP AND REUSE

STRATEGY 1: ENCOURAGE AND FACILITATE RESPONSIBLE PARTIES' EXPEDITIOUS AND THOROUGH CLEAN-UP OF SITES TO EFFECT RE-USE MORE QUICKLY

Background: At sites where responsible parties can be identified, the cost of remediation is intended to be borne by them. However, utilizing tools and procedures to assist these parties in their efforts is helpful to all stakeholders. Settlement can be reached sooner by providing incentives to performing parties. More importantly, proper use of incentives will reinforce the notion that cooperative parties who settle *early* will obtain significant benefits by doing so. Second, cleaning up a Superfund site can be completed faster and more efficiently by using incentives to reach expected milestones in the cleanup work. Third, enforcement authorities can be used as leverage in certain cases to get the cleanup started or to help reach settlement. Fourth, all parties can avoid the increased transaction costs associated with protracted negotiations.

Each of the federal facility agreements (FFAs) at federal facility NPL sites includes timelines for moving through the dispute process. These timelines were developed in order to ensure that work at Federal Facility (FF) NPL sites moved efficiently even in the case of disagreements between the parties. The dispute resolution process includes a commitment by the parties to make reasonable efforts to resolve disputes informally before invoking formal dispute procedures. Informal disputes and each of the stages of formal dispute have specific timeframes built into the FFAs. Reinforcing these timelines to ensure that the dispute resolution timelines are more closely adhered to will ensure that cleanup work is not unreasonably slowed when a disagreement between the FFA parties arises.

RECOMMENDATION 12: Recommend Consideration and Use of Early Response Actions at Superfund Sites, Particularly Sediment Sites, While Comprehensive Negotiations Are Underway for the Entire Cleanup

Specific Actions:

- Issue an Agency Directive requiring consideration of early actions and a separate track for Remedial Design (RD) actions at PRP-funded Superfund Sites. This should include (1) using parallel tracks for the remedial design and remedial action and (2) dividing cleanup work into manageable areas of response actions.
- Reissue/revise remedial design guidance.

Timeframe:

1. Q4, FY17
2. Q1, FY18

RECOMMENDATION 13: Identify Opportunities to Utilize Various Federal and State Authorities to Conduct Response Actions that are Consistent with CERCLA and the NCP

Specific Actions:

- Evaluate and develop criteria on utilizing alternate tools to pursue liable parties at NPL-caliber sites, including greater use of the Superfund Alternative Approach (SAA) in pursuit of cleanup.
- Where appropriate, use Resource Conservation and Recovery Act (RCRA), CERCLA, Safe Drinking Water Act (SDWA), and other Federal or State authorities to address hazardous waste sites where statutory requirements are met.
- Where appropriate, designate states as leads on sites.

Timeframe: Q1, FY18

RECOMMENDATION 14: Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment

Specific Actions:

- At sites where PRPs agree to perform cleanup work, prioritize use of special account funds as financial incentives. Consider, where applicable:
 - Reserving/prioritizing special account funds for sites with potential for redevelopment;
 - Disbursing funds quicker to a PRP when, for example, the PRP completes work ahead of schedule;
 - Providing reimbursement from special accounts to reduce the cost a PRP has incurred for cleanup at sites; and/or,
 - Delaying reimbursement from special accounts for response work until a PRP takes steps to increase potential for site reuse/redevelopment at sites where cleanup will enhance marketability of the property.
- Aggressively pursue additional opportunities to provide special account funds to Bona Fide Prospective Purchasers (BFPPs) that agree to perform cleanup work.
 - Develop guidance for disbursing special account funds to BFPPs.
 - Consider extending financial incentives available to PRPs to BFPPs.
- Establish and use special account funds to pay for EPA oversight (when any party is doing work).
- Maximize the use of special account funds to preserve scarce EPA and state resources.
- Evaluate for revisions EPA policy and guidance to reflect specific actions listed above.

Timeframe: Disbursement guidance: Q4, FY17

Identification of additional revised / new guidance: Q2, FY18

RECOMMENDATION 15: *Speed Up Settlement Process Where There Are Federal PRPs at a Site*

Specific Actions:

- Work with the Department of Justice (DOJ) and other Federal Agencies for policy changes that promote early decisions on whether Federal Agencies will participate in settlement negotiations.
- Finalize model Federal Agency settlement language for all settlement agreements (both administrative and consent decrees), and work with DOJ to promote consistent use of the model language by DOJ personnel.
- Establish model reservation language and standard procedures/timeframes to allow private parties to reserve:
 - Their rights to pursue certain contribution claims against the federal government.
 - Certain contract/indemnification claims against the federal government.

Timeframe: By Q1, FY18 reach agreement in principle at appropriate levels at DOJ on all three objectives. By Q2, FY18, finalize agreements reached and revise model documents.

RECOMMENDATION 16: *Provide Reduced-Oversight Incentives to Cooperative, High-performing PRPs, and Make Full Use of Enforcement Tools as Disincentives for Protracted Negotiations, or Slow Performance Under Existing Cleanup Agreements*

Specific Actions:

- Develop a plan to provide financial incentives in the form of reduced oversight to PRPs who perform timely, quality work under an agreement by reducing the costs associated with EPA's oversight, including adjustments to indirect costs.
- Determine current Regional practices, including actual charges that currently compose indirect costs
- Create a National Workgroup to identify circumstances under which a reduction in oversight costs would be appropriate.
- Develop guidance to assist Regional staff in application and identification of milestones at specific sites, establishing criteria for deliverables, and determining appropriate level of compromise of oversight costs during settlement.
- Develop model language for settlement documents relating to establishment of milestones and level of compromise of oversight costs.
- Identify efficiency opportunities for timely resolution of disputes (including evaluating whether protracted "informal" dispute resolution is advisable) with PRPs that arise in implementing cleanups.
- Establish and promote strict adherence to project deadlines.
- Assess stipulated penalties when deadlines are to motivate timely adherence to deadlines.
- Trigger work takeover provisions when multiple deadlines are missed and access financial assurance when appropriate.
- EPA will meet its own review deadlines when PRPs are performing quality work and will:

- Publish response work completion schedules and milestones on EPA websites.
- Consider incentives to all parties to meet the deadlines proposed.
- Prohibit PRPs from multiple chances to revise the same document when initial submittal is subpar.
- Actively use enforcement authorities, including more prevalent issuance of unilateral orders to recalcitrant parties to discourage protracted negotiations
 - As needed, implement “participate and cooperate” orders – particularly for Remedial Actions.
 - Emphasize the use of “delayed effective date” unilateral administrative orders as an incentive to speed negotiations.

Timeframe: Criteria for Reduced Oversight, Draft Q1, FY18. Guidance and model language for Reduced Oversight, Final Q3, FY18. Guidance, policy changes to support disincentives to protracted negotiations or delayed cleanup, Draft Q1, FY18.

RECOMMENDATION 17: Adjust Financial Assurance (FA) Required Under Enforcement Documents to Reduce Cooperating PRP’s Financial Burden While Ensuring Resources Are Available to Complete Cleanups

Specific Actions:

- Review EPA’s financial assurance requirements and consider modification to promote realistic requirements. This review should consider (1) defining situations where it may be appropriate for parties to incrementally provide FA for the various phases of cleanup work as they occur; (2) adjusting the discount rate used in the calculation of the cost of future work and (3) identifying other opportunities for achieving a responsible balance between the cost of financial assurances and the risk of financial default.
- Modify model settlement provisions, as needed.

Timeframe: By Q1, FY18, reach agreement in principle on all criteria for identifying PRPs that could be subject to reduced FA burdens. By Q2, FY18, finalize model FA-related language.

RECOMMENDATION 18: Reinforce the Federal Facility Agreement Informal and Formal Dispute Timelines

Specific Actions:

- Develop a policy for the Regions, to be shared with, or ideally co-signed by, federal agencies and the states, which reinforces the importance of adhering to the informal and formal dispute timelines identified in the FFAs.
- Track and report to Regions, Federal Agencies, and States the informal and formal dispute times and postponement of milestones.

Timeframe: Q1, FY18

STRATEGY 2: CREATE OVERSIGHT EFFICIENCIES FOR PRP LEAD CLEANUPS

Background: Cleanup decisions and implementation often take a long time due to the number of people and issues involved. Oversight efficiencies can be realized and costs can be reduced if responsibility for overseeing cleanup is clarified and better distributed.

RECOMMENDATION 19: Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication

Specific Actions:

- Increase use of Memoranda of Understanding with federal agencies, states and tribes to identify lead agencies for each site and roles and responsibilities for each.
- Identify situations or phases of cleanup for which certain agencies should have primary responsibility (e.g., tribal/state/local responsibility for long-term stewardship of sites).

Timeframe: FY18

RECOMMENDATION 20: Identify Opportunities to Engage Independent Third Parties to Oversee Certain Aspects of PRP Lead Cleanups

Specific Actions:

- Create a workgroup to research existing state programs and identify opportunities for independent third parties to perform certain fixed tasks at NPL sites.
- Design and implement a pilot that utilizes independent third parties to oversee certain actions, such as long-term monitoring.
- Evaluate pilot effectiveness and efficiency
- Have workgroup recommend use or non-use of pilot procedures.

Timeframe: FY18

STRATEGY 3: PROMOTE REDEVELOPMENT/REUSE OF SITES BY ENCOURAGING PRPS TO INVEST IN REUSE OUTCOMES

Background: Under the current paradigm, PRPs may resist engaging with third parties to facilitate reuse. To overcome such resistance, EPA should understand and address the legal, financial and technical burdens that may arise when a third party wants to build on a contaminated site. For instance, some uses may require additional cleanup beyond what is necessary to stabilize a site for protectiveness; some uses involve a project schedule that differs from the cleanup and some uses may complicate the long term maintenance obligations for the property.

RECOMMENDATION 21: Facilitate Site Redevelopment During Cleanup by Encouraging PRPs to Fully Integrate and Implement Reuse Opportunities into Investigations and Cleanups of NPL Sites

Specific Actions:

- Work with PRPs, local governments, and local professionals to identify opportunities for PRP-lead cleanups to integrate reuse outcomes.
- Issue an Agency Directive to encourage integration of reuse outcomes into PRP-led cleanups. This should include encouraging (1) PRPs to work with end users to perform assessment and additional cleanup/enhancement to achieve reuse objectives; (2) PRPs to directly fund or perform enhanced cleanup or “betterment” by entering into agreements with end users; and, (3) “marketing” of property undergoing cleanup as a deliverable to encourage private investment at sites during and after cleanup. This directive should include creative mechanisms for incentivizing these reuse actions, including financial credits for such actions.

Timeframe: By Q1, FY18 engage with PRPs to identify barriers and explore opportunities to encourage reuse. This action item should be closely coordinated with the activities under Goal 3.

GOAL 3: ENCOURAGING PRIVATE INVESTMENT

STRATEGY 1: USE ALTERNATIVE AND NON-TRADITIONAL APPROACHES FOR FINANCING SITE CLEANUPS

Background: Private sector tools and approaches to manage environmental liabilities and risks are important to the cleanup and reuse of contaminated sites. Some PRPs engage in contractual arrangements to pay a premium for unknown risks and transfer responsibilities to environmental remediation companies where the Superfund site cleanup has a fair degree of certainty. These arrangements may be in the form of an insurance policy, annuity, a designated agent, or an agreement to allow a third party to assume all obligations for remediation and legal liability. However, as provided by CERCLA section 107(e)(1), even the most comprehensive arrangement does not legally bar the government from pursuing the PRP at a later date. Such arrangements tend to be reasonably specific to the circumstances of a site, but they can help expedite the cleanup and reuse of a site. EPA recognizes that it should support, where appropriate, innovative approaches to promote third-party investment in cleanup and reuse of contaminated properties consistent with statutory authorities and needs to consider mitigating its retained rights.

RECOMMENDATION 22: Explore Environmental Liability Transfer (ELT) Approaches and Other Risk Management Tools at PRP cleanups

Specific Actions:

- Conduct stakeholder outreach that includes:
 - Industry professionals to discuss their products and the industry climate;
 - PRPs who have used an ELT or other risk management tools (e.g. liens on property, bonds, trusts, or insurance) to discuss their experience;
 - Contractors who have successfully been parties to ELTs; and,
 - States to discuss their experiences with ELTs.
- Establish a national workgroup to identify:
 - Creative uses of insurance, annuities, indemnification and other tools for third parties interested in buying/selling the risk of cleanup;
 - Types of remedial actions, site conditions, and PRPs that stand to benefit from this risk management tool;
 - When it is appropriate to use comfort/status letters or settlement tools to provide certainty to encourage and/or reassure PRPs contemplating using an ELT or other tool; and,
 - Whether a pilot program using these risk management tools at appropriate sites is feasible.

Timeframe: Q4, FY18

STRATEGY 2: STREAMLINE THE PROCESS FOR COMFORT LETTERS AND SETTLEMENT AGREEMENTS WITH THIRD PARTIES

Background: The 2002 Brownfield Amendments to CERCLA added new landowner liability protections, including the Bona Fide Prospective Purchaser (BFPP) protection, to address the liability concerns that act as a barrier to the cleanup and reuse of contaminated properties. Congress intended these liability protections to be self-implementing, although some third parties still remain concerned about potential liability and the availability of the BFPP protection at contaminated properties (see *Ashley II*²). As a result, at some sites, a site-specific tool may be needed for third parties to address liability concerns before the third party can move forward with the cleanup and reuse of the site. EPA's primary tools to address the CERCLA liability concerns of third parties are comfort/status letters and settlement agreements. These site-specific tools have enabled some cleanup and reuse at sites on the NPL to move forward where liability concerns posed a barrier. However, more substantive tools must be used.

RECOMMENDATION 23: Ensure Timely Use of Site-Specific Tools When Needed and Appropriate to Address Liability Concerns at Contaminated Sites

Specific Actions:

- Identify regional best management practices for addressing purchaser liability concerns and how to respond to inquiries with site-specific comfort/status letters and agreements.
- Issue recommendations for improvements to the process for responding to requests for site-specific tools and the creation of regional third-party inquiry teams. (See Region 4 procedure).
- Develop a model request for prior written approval of site-specific letters and agreements to streamline and expedite regional/headquarters/DOJ approval process.
- Expand use of prospective purchaser agreements for BFPP and PPs to specifically limit their liability.
- Participate on national team of redevelopment experts (discussed in Goal 4) to support development of streamlined and innovative liability clarification and settlement approaches.

Timeframe: FY17

RECOMMENDATION 24: Create and Maintain an OECA Information Repository to Provide Access to Enforcement Information and Tools to Support Third-Party Cleanup and Reuse.

Specific Actions:

- Enhance EPA's web content to include case studies, statistics and other relevant information regarding site-specific comfort/status letters, agreements and other enforcement tools and approaches that have supported third-party cleanup and reuse.
- Establish a list of sites with greatest potential for cleanup/reuse by third parties and focus resources and activities at those sites.

² *PCS Nitrogen v. Ashley II of Charleston, LLC*, 714 F.3d 161 (2013).

- Create a national library, for internal EPA use, of sample comfort/status letters and settlement agreements.

Timeframe: FY17

STRATEGY 3: OPTIMIZE TOOLS AND REALIGN INCENTIVES TO ENCOURAGE THIRD-PARTY INVESTMENT

Background: Before the enactment of the Brownfield Amendments to CERCLA, Prospective Purchaser Agreements (PPAs) and comfort/status letters were used by Regions to address the CERCLA liability concerns of parties who wanted to reuse contaminated properties. Comfort/status letters were developed as an efficient tool, where a settlement agreement is not appropriate, to provide prospective purchasers and other parties with the information EPA has about a particular party, EPA’s intentions with respect to the property as of the date of the letter, and the liability protections that may be available to the party. (See 2015 Revised Comfort/Status Letter Policy and Models.) After the addition of the landowner liability protections by the Brownfield Amendments, EPA issued enforcement guidance which explained that EPA involvement is no longer necessary in most private party transactions given the self-implementing nature of the protections and that EPA generally will no longer be entering into PPAs. In 2006, in recognition that BFPPs at some sites might be interested in performing cleanup work beyond what would be expected of them to maintain their BFPP liability protection (e.g., conducting cleanup work beyond the statutory requirement to take “reasonable steps” to prevent or limit exposure and stop continuing or threatened releases at the site), EPA issued a model agreement for BFPPs who are interested in performing Superfund removal work. EPA also has developed a model agreement to resolve an existing or potential “windfall lien” with interested BFPPs.

RECOMMENDATION 25: Update EPA’s Position on the Use of Site-Specific Agreements with Third Parties at NPL Sites

Specific Actions:

- Develop and issue a new policy memorandum, working with the Office of General Counsel (OGC), Department of Justice (DOJ), and other EPA offices, which provides for the greater use of PPAs and windfall lien resolution agreements with third parties in addition to BFPP agreements consistent with CERCLA/DOJ authority at NPL sites. The policy should identify what situations, in addition to performing work, would justify entering into negotiations for written agreements.
- Develop a communications roll out plan announcing new policy statement and approach, including web and social platforms.
- Regularly publicize successful agreements that allow sites to be redeveloped by third parties.

Timeframe: FY17

RECOMMENDATION 26: Revise EPA's Model Agreements to Create More Opportunities for Settlement with Third Parties Interested in Cleaning Up and Reusing NPL Sites

Specific Actions:

- Identify opportunities (with Regions, OGC, and DOJ), as appropriate within existing statutory authorities, to update the model BFPP work agreement, PPA model, and model windfall lien settlement agreement to:
 - Identify provisions in the models that may be revised to incentivize settlement;
 - Research the types of consideration authorized for a settlement agreement; and,
 - Explore options to address future liability concerns to insulate good faith purchasers from unexpected liability (e.g., identify “reasonable steps”).
- Reinstitute the PPA tracking system allowing EPA to track individual requests, evaluate the timeliness of EPA's response, and identify where in the PPA process delays are occurring.
- Designate an agreements coordinator at EPA Headquarters to consult directly with DOJ to quickly resolve issues that impede progress.
- Evaluate and issue recommendations for revisions to model settlement provisions, other types of authorized consideration, and options to address future liability consistent with CERCLA and DOJ authority.
- Revise model agreements.

Timeframe: Q4, FY17

RECOMMENDATION 27: Identify Tools for Third Parties Interested in Investment or Other Opportunities Supporting the Cleanup or Reuse of NPL Sites

Specific Actions:

- Conduct outreach to third-party investors who may provide private financing or otherwise become involved in transactions involving contaminated or previously contaminated property to identify specific liability concerns acting as a barrier to investment or other opportunities in such transactions.
- Identify potential new tools and approaches, as appropriate within existing statutory authorities, to address liability concerns of parties who might acquire property (e.g., enforcement guidance, model reuse assessment agreement, prospective operator agreement, prospective easement agreement).
- Work with lenders to determine standard language to be included in PPAs to facilitate financing.
- Identify public-private partnership investment opportunities and structure for successful arrangement.
- Issue recommendations on potential tools, approaches and opportunities.

Timeframe: Q2, FY18

RECOMMENDATION 28: Provide Greater “Comfort” in Comfort/Status Letters

Specific Actions:

- Assess concerns that are not being addressed by the current model comfort letter (e.g., windfall lien uncertainties, comprehensive reasonable steps, lender liability).
- Work with lenders to determine standard language to be included in comfort letters that would allow for certainty in securing funding from lenders for redevelopment of Superfund sites.
- Identify revisions to the model letter, consistent with the statute and legal authorities, to address these concerns, possibly including:
 - Stronger statements by the Agency to address liability concerns; (e.g., BFPP status, applicability of statute of limitations);
 - Clarifications on the application of EPA guidance at a site; and,
 - EPA’s intention regarding windfall liens evidenced by appropriate documents.
- Revise and reissue comfort/status letter model.

Timeframe: FY18

RECOMMENDATION 29: Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites

Specific Actions:

- Outline a potential new policy, as appropriate within existing statutory authorities, for developers, lenders, investors and/or other third parties to identify or create opportunities for new investment in cleaning up contaminated sites:
 - Propose potential revisions to the “Common Elements Guidance” based on case law developments and lessons learned by EPA and private sector.
 - Identify potential opportunities to expand Good Samaritans or other non-labile party approaches under section 107(d) for addressing liability issues and promoting sustainable redevelopment.

Timeframe: FY18

RECOMMENDATION 30: Revise Federal Facility Enforcement Guidance

Specific Actions:

- Develop Model Federal Facilities Language for placing Federal Facilities Agreement (FFA) provisions on hold in instances where a third party wants to perform the cleanup work.
- Revise the 1997 “Policy Towards Landowners and Transferees of Federal Facilities” to assist with pre-1986 transfers of U.S. land.

Timeframe: Q2, FY18 months to develop model language for putting FFAs on hold; Q3, FY18 months for revising the 1997 policy

STRATEGY 4: ADDRESS LIABILITY CONCERNS OF LOCAL GOVERNMENTS

Background: Local governments play an integral role in facilitating the cleanup and reuse of contaminated properties. By acquiring contaminated properties, local governments have the opportunity to evaluate and assess public safety needs and promote redevelopment projects that will protect and improve the health, environment, and economic well-being of their communities. Although local governments may take advantage of the statutory liability protections, including the “involuntary acquisition” protection in section 101(20)(D), the innocent landowner defense in section 101(35)(A), and the BFPP protection, these governments continue to raise potential liability concerns about the acquisition of contaminated property as a barrier to reuse. Local government liability concerns at contaminated properties include the timing of and the cost associated with conducting due diligence, the meaning of “involuntary acquisition” in the statutory provisions, and the need for tools specific for local governments.

RECOMMENDATION 31: Develop New Local Government Enforcement Guidance to Address Concerns Raised by the Landowner Liability Provisions Potentially Applicable to Local Governments

Specific Actions:

- Propose potential new enforcement guidance to address liability issues acting as a barrier to reuse for local governments, including issues raised by the applicability of the statutory liability protections potentially applicable to local governments.
- Issue recommendations for an enforcement guidance.

Timeframe: Q4, FY18

RECOMMENDATION 32: Develop a Model Comfort/Status Letter and Other Tools to Address the Liability Concerns and Other Barriers Unique to Local Governments

Specific Actions:

- Identify potential new tools and approaches to address the liability concerns and barriers unique to local governments (e.g., model comfort/status letter, streamlined settlement agreement, deferrals, MOU/MOAs, cost-share credits).
- Draft white paper that identifies options and positives/negatives.
- Issue recommendations.

Timeframe: Q4, FY18

GOAL 4 – PROMOTING REDEVELOPMENT AND COMMUNITY REVITALIZATION

STRATEGY 1 - FACILITATE SITE REDEVELOPMENT AND SUPPORT ONGOING INFORMATION SHARING

Background: Building capacity and providing training to EPA, Federal, state, tribal and local government staff, elected officials, and other community-based organizations on: the overall site cleanup process as it relates to redevelopment potential; key components of land use and economic development planning; and funding and financing tools will provide better support to communities and promote redevelopment of Superfund sites. Local planning departments and elected officials are critical in developing land use alternatives especially during the RI/FS phase of cleanup. Making sure interested parties have the training and basic knowledge regarding the site cleanup process will inform future use decisions and facilitate interested parties ability to promote redevelopment at Superfund sites.

Providing training that identifies specific actions a community can take in the near term will help community stakeholders understand the market potential/limitations of the site, including how they can make the site more attractive to future development. Initial work by a community demonstrates commitment to site reuse, and signals to developers that the community is a willing partner.

Reuse is further promoted when the community, including developers, has access to more information about an individual site and the sites around it. This includes determining which types of sites businesses/industries/developers are interested in potentially redeveloping and sharing information with them to promote Superfund site redevelopment.

RECOMMENDATION 33: Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse

Specific Actions:

- Focus reuse training, tools, and resources on the current list of NPL sites with the most redevelopment potential based on transportation access, land values, and other critical real estate market drivers.
- Identify 20 NPL sites with greatest reuse and commercial potential considering input from regions and agreed upon criteria.
- Identify the industries and businesses that may be interested in reusing Superfund sites especially the industries that may be interested in reusing the list of 20 NPL sites that have high redevelopment potential.
- Help these businesses and developers understand liabilities and ongoing obligations at sites they are interested in.
- Develop information package for all identified sites using successes from Region 4.

Timeframe: Q4, FY2017

RECOMMENDATION 34: Publicize Site Specific Information to Promote Community Revitalization

Specific Actions:

- Develop a geographic information system (GIS) based map of the U.S. that clearly shows site information, outlines reuse potential, and provides links to relevant documents (ICs, RODs, Five Year Reviews, Brownfield assessment, cleanup, consent orders, etc.) and other key information such as other nearby sites and community demographics.
- Highlight and make more readily available the current cleanup status of the site.
- Develop site specific reuse fact sheets during design, construction and post construction phases that would provide information of interest to the community and developers.
- When appropriate, develop a Ready-for-Reuse Fact Sheet as a mechanism for providing key site information to the community, developers and other potential site users. Include relevant key information for every site, update them regularly, and include contact information. Site owners should be contacted and if possible, included on the sheet as they control land use.
- Update information about sites achieving Site Wide Ready for Anticipated Use (SWRAU) early in the process and update on an annual basis. Include information about the reuse status of SWRAU sites.
- Make all site-specific information and reports readily accessible, including information on existing or needed Institutional Controls (ICs)/Engineering Controls (ECs), so developers and other future users are aware of site conditions.

Timeframe: Q3, FY17

RECOMMENDATION 35: Build Capacity of EPA and Its Stakeholders on the Broad Community and Economic Development Context for Site Remediation and Redevelopment

Specific Actions:

- Conduct redevelopment training in all regions with Superfund, Brownfields, and legal staff on:
 - Existing tools, innovative strategies, and new tools being developed by the SF Task Force;
 - Redevelopment basics, such as incorporating reuse into the cleanup process and reuse assessments;
 - Environmental Liability Transfer and other risk management tools;
 - Financial, social and environmental benefits of conservation easements;
- Provide ongoing updates to EPA staff and stakeholders about reuse barriers and what EPA can do to address them.
 - Promote the Superfund redevelopment process at national meetings and educational opportunities for stakeholders.
 - Identify best ways to engage more tribes in site cleanups on tribal lands with a focus on reuse throughout the process.

Timeframe: Q3, FY17

RECOMMENDATION 36: Engage Superfund Communities in Cleanup and Redevelopment

Specific Actions:

- Provide training/fact sheets/on-line information on the following (based on the needs of the community):
 - The Superfund and Brownfields processes;
 - The interplay of federal, state, and local governments; effective communication; leadership; finance; sustainable redevelopment principles, etc;
 - How to undertake market studies and identify assets/challenges specific to the site;
 - The development approval processes, codes, design standards and/or public private financing packages that can help facilitate clean up and re-use;
 - How the redevelopment of the site fits with a broader vision for the economic revitalization for the community;
 - Best practices and case studies from other communities;
 - Which grants or other types of support might be available to help communities implement their site reuse vision;
 - Tools/approaches necessary for local governments or regional councils of government to encourage investment/leveraging, especially in soft markets;
 - Types of up front public or public-private investment that are generally successful in catalyzing redevelopment and community revitalization;
 - Funding/financing mechanisms (e.g. Community Reinvestment Act, CDFI's, New Market Tax Credits, P3 financing) available to local communities;
 - Community partners and other resources available to Superfund communities that can provide design charrettes, and other reuse visioning support;
 - Other agencies that can provide support to on-the-ground community design assistance for neighborhoods that contain Superfund sites;
 - Sustainable and equitable development approaches and how they can be utilized during the cleanup and reuse planning process; and,
 - Practices such as insurance tools that protect the developer from liability;

Timeframe: Q3, FY17

RECOMMENDATION 37: Recognize and Replicate Local Site Redevelopment Successes

Specific Actions:

- Issue more “Excellence in Site Reuse” awards across regions to recognize communities, local governments and/or developers who have gone “above and beyond.”
- Develop an incentive program to recognize and facilitate redevelopment.

Timeframe: Q4, FY17

STRATEGY 2: UTILIZE REUSE PLANNING TO LAY THE FOUNDATION & SET EXPECTATIONS FOR SITE REDEVELOPMENT

Background: EPA can play a significant role in helping communities realize the associated health, economic and social benefits that accompany Superfund site redevelopment. Cleanup must be coupled with assistance that addresses neighborhood and community challenges to redevelopment to expand the community's ability to redevelop sites. That assistance includes identifying barriers to redevelopment and helping to overcome them.

Additionally, EPA can help communities find ways to enter into partnerships with more public/private organizations and private business organizations such as real estate professionals, lenders, and developers. Using these partnerships can facilitate reuse by identifying resources these partners may have or connecting the site with potential users interested in developing the site.

RECOMMENDATION 38: Support Community Visioning, Revitalization, and Redevelopment of Superfund Sites

Specific Actions:

- Create a national team of EPA and other Federal agency redevelopment experts.
- Offer technical assistance to local communities and/or site owner(s) in envisioning and developing an economically feasible redevelopment plan for the site.
- Provide help in gathering and sharing with all interested parties' information that goes beyond contaminant levels, reuse restrictions and liability concerns, such as market demand, infrastructure and priorities of the community.
- Help ascertain employment and job training opportunities that may be available for the affected community during the cleanup and redevelopment process.

Timeframe: Q4, FY17

RECOMMENDATION 39: Engage and Facilitate Public/Private Partnerships to Share Information, Resources, and Work Toward Advancing and Promoting the Revitalization of the Site.

Specific Actions:

- Identify other federal and state agencies that may be interested in the development and may provide additional resources (e.g., Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Agriculture (USDA)).
- Facilitate and take a proactive approach in involving additional funding institutions/organizations.
- Explore partnerships that could bring unique financing options to finance revitalization.
- Facilitate agreements that enable more non-labile parties to fund cleanups as part of site reuse activities. Facilitate their involvement by developing/sharing information such as "Top 10

Questions for a Non-Liable Party to Ask When Considering Cleanup at a Superfund Site” fact sheet.

- Facilitate interactions for local stakeholders/PRPs/communities to work together. Actively encourage PRPs to engage and be supportive of the process, demonstrating that an engaged community looking to the future can speed up cleanups, have realistic expectations, act as stewards, and promote successful reuse.
- Connect each community with a similarly situated community that has had revitalization success – even if from a different state (i.e., a reuse mentoring program).
- Leverage resources to help market these sites and promote their reuse.

Timeframe: Q3, FY17

GOAL 5: ENGAGING PARTNERS AND STAKEHOLDERS

STRATEGY 1: KEY STAKEHOLDER ENGAGEMENT

Background: Making the Superfund process more efficient and promoting revitalization to gain long-term benefits for impacted communities must necessarily include building stronger strategic partnerships with key stakeholders across the Superfund process. Such strong partnerships will serve as the underpinnings of this plan's other goals and the basis of relationships going forward.

We must deploy an assortment of partnership building activities and engagement opportunities to increase the collaboration with, and impact of, our key stakeholders. New activities and opportunities will be combined with ensuring that our traditional engagement activities include a focus on the goals of this Administrator's initiative.

Recommendation 40: Develop a Robust Communications Strategy to Identify and Target Key Stakeholders

Specific Actions:

- Execute a strategy that is inclusive of all stakeholders.
- Hold focused public and private dialogues with key stakeholders to strengthen long-term partnerships for clean-up and reuse of sites. Convene regularly scheduled meetings with:
 - States, local governments and federally recognized Native American tribes;
 - Industry, PRPs, contractors, corporations and other private organizations;
 - Community organizations;
 - Environmental organizations, including those related to environmental justice; and,
 - Financial and banking associations.
- Provide reports on dialogues and meetings in a form agreed upon with distribution as agreed.

Timeframe: Q4, FY17

Recommendation 41: For Federal Facility Sites, Collaborate with Other Federal Agencies (OFAs) to Solicit Their Views on How EPA Can Better Engage Federal Agencies

Specific Actions:

- Craft a plan to regularly engage solicitation of information from OFAs.
- Solicit OFAs to provide initial recommendations on how to achieve the Administrator's goals at their sites.
- Plan to include regular feedback sessions with other appropriate parties.
- Provide feedback to the identified central repository.

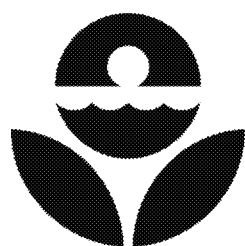
Timeframe: Commence activities within 90 days of approval of this plan

Recommendation 42: Use a Federal Advisory Committee to Work with a Broad Array of Stakeholders to Identify Barriers and Opportunities Related to Cleanup and Reuse of Superfund Sites

Specific Action:

- Establish a federal advisory committee to identify barriers and opportunities by:
 - Assessing PRP reuse concerns;
 - Obtaining state and local government concerns and opportunities;
 - Assessing input from local community champions;
 - Developing financing and infrastructure ideas;
 - Constructing new ways to address abandoned mining sites and contaminated sediment sites; and,
 - Proposing a methodology and forum for evaluating the effectiveness of the Task Force Recommendations in accelerating cleanup and reuse of Superfund Sites.
- Developing on-going reports of the committee findings

Timeframe: Commence activities within 180 days of this plan



EPA

United States
Environmental Protection
Agency

Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: 7/25/2017 5:30:20 PM
To: Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
BCC: tom.hassenboehler@mail.house.gov; Tina.Richards@mail.house.gov; Amy.murphy@mail.house.gov; jonathan.vecchi@mail.house.gov; brian.maves@mail.house.gov; Helen.Dwight@mail.house.gov; sarah.killeen@mail.house.gov; James.decker@mail.house.gov; Jordan.See@mail.house.gov; Erynn.Hook@mail.house.gov; dante.cutrona@mail.house.gov; chris.marohl@mail.house.gov; chris.knauer@mail.house.gov; eric.gustafson@mail.house.gov; bobby.hamill@mail.house.gov; joel.miller@mail.house.gov; Jordan.downs@mail.house.gov; natalie.hales@mail.house.gov; preston.bell@mail.house.gov; david.rardin@mail.house.gov; josh.baggett@mail.house.gov; todd.mitchell@mail.house.gov; Jason.Isakovic@mail.house.gov; ben.elleson@mail.house.gov; blake.deeley@mail.house.gov; andrew.neill@mail.house.gov; Jonathan.Gray@mail.house.gov; Samuel.Spector@mail.house.gov; richard.england@mail.house.gov; john.seale@mail.house.gov; jordan.haverly@mail.house.gov; Brendan.Larkin@mail.house.gov; mark.ratner@mail.house.gov; Mac.McKinney@mail.house.gov; Riley.Bushue@mail.house.gov; yvette.wissmann@mail.house.gov; Dennis.Sills@mail.house.gov; tejasi.thatte@mail.house.gov; elizabeth.brown@mail.house.gov; asi.ofosu@mail.house.gov; tommy.walker@mail.house.gov; greg.sunstrum@mail.house.gov; chris.bowman@mail.house.gov; brian.skretny@mail.house.gov; Paul.Beck@mail.house.gov; sergio.espinosa@mail.house.gov; justin.maturo@mail.house.gov; eric.fins@mail.house.gov
Subject: EPA Superfund Task Force Report
Attachments: Superfund Task Force Report FINAL - WEB.PDF

All,

I wanted to share with you a copy of the Superfund Task Force Report commissioned by Administrator Pruitt. Released today, the recommendations address: expediting cleanup and remediation process; reducing financial burden on all parties involved in the entire cleanup process; encouraging private investment; promoting redevelopment and community revitalization; and, building and strengthening partnerships.

As always, if you have any questions or concerns, please feel free to reach out to Aaron Ringel at Ringel.Aaron@epa.gov, or myself.

Respectfully,

Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828
C: (202) 578-2755
E: Rodrick.Christian@epa.gov



SUPERFUND TASK FORCE RECOMMENDATIONS

Recommendations in response to Administrator Scott Pruitt's request on May 22, 2017. The recommendations address: expediting cleanup and remediation process; reducing financial burden on all parties involved in the entire cleanup process; encouraging private investment; promoting redevelopment and community revitalization; and, building and strengthening partnerships.



July 25, 2017

The U.S. Environmental Protection Agency has an important role to ensure stewardship of our natural resources, including clean air, land, and water. A key objective to this goal is revitalizing land, to return it back to local communities so they can enjoy it.

When I assumed my role as EPA Administrator, I was astounded to learn there were over 1,330 Superfund sites across this country – sites where land has languished and left with contamination seeping into the land and water. Unfortunately, many of these sites have been listed as Superfund sites for decades, some for as many as 30 years. This is not acceptable. We can – and should – do better.

This is why earlier this year, I appointed a ‘Superfund Task Force’. In both a thorough and timely manner, the task force has conducted a review of the Superfund sites and issued this report in order to provide certainty to the American families, businesses, local governments and economies that depend on EPA to provide the leadership and management needed to properly cleanup contaminated sites.

There are many hard working people who have dedicated their careers to cleaning up these sites, but they were not served well by the previous leadership – leadership that put other priorities first. I ask myself every day, what could be more important, more ‘core’ than giving Americans the ability to use the land they are blessed with. This report demonstrates EPA’s commitment to getting these sites cleaned up so that the land is safe for those who build, live or play on it.

The professionals at EPA and the stakeholder partners that contributed to this report share my passion to clean up the country’s worst pollution, as expeditiously and as thoroughly as possible. We welcome the feedback and help from all stakeholders in this national effort. And, we look forward to working together, with states, local communities and tribes – alongside those who are responsible for cleaning up their pollution.

Collectively, we can achieve great things when we provide the leadership and management that Americans deserve.

Respectfully,

E. Scott Pruitt
Administrator

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“Depending on how the various recommendations and proposals in this report may be further developed and implemented, the wording and objectives of some of the items in the report may need to be refined to ensure consistency with existing laws, regulations and EPA guidance documents; in some cases, it also might be appropriate to modify existing policy statements, amend current regulations, or seek legislative amendments to clarify the Agency’s authorities. The Task Force Report is not final Agency action.”

Executive Summary

The core mission of the Environmental Protection Agency is to protect the health of our citizens and the environment in which we all live. Action now serves to preserve that environment for future generations. Under Administrator Pruitt's leadership, we are focused on returning to that essential core mission. The Comprehensive Environmental Response, Compensation, and Liability Act or (CERCLA) also known as 'Superfund' was signed into law on December 11, 1980. Since its beginning, the Superfund Program has made remarkable achievements, most of which represent significant contributions to the nation's collective health and quality of life. Superfund, with its many tools, abates and remediates sites contaminated with hazardous waste and reduces risk to both humans and the environment as a whole.

The National Priorities List (NPL) came into existence in 1983. It represents those properties that are the most contaminated and pose the most risk to human health and the environment. Since that time, many sites have been listed on the NPL and many have been remediated and removed. However, sites still remain and each year sites are added to the list. As of June 21, 2017, there are 1,336 sites on the NPL, of which 1,179 are private sites and 157 are Federal Facility sites. Many of these are in different stages of completion and will move off the NPL list in the future, once site completion is achieved. As such, much work still remains. This plan will improve and expedite the process of site remediation and promote reuse.

Administrator Pruitt commissioned the Superfund Task Force on May 22, 2017. The Task Force was charged to 'provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country.' To focus their mission more precisely, the Task Force was given 30 days to complete its mission.

This document presents a set of recommendations that are reflective of the expectations of substantive action from the Administrator. It does not represent all potential actions that may be needed in the future. Rather, it represents a good beginning that will lead to program efficiencies and identify areas for further refining. Importantly, such refinement will be the subject of close stakeholder engagement as we seek to strengthen our partnerships with all those involved in the Superfund process. The recommended actions in this document are reflective of this Administrator's top priorities to reinvigorate and prioritize the Superfund program in a most expeditious manner.

The goals of this plan reflect the charge received by the Administrator, namely:

- Expediting Cleanup and Remediation
- Re-Invigorating Responsible Party Cleanup and Reuse
- Encouraging Private Investment
- Promoting Redevelopment and Community Revitalization
- Engaging Partners and Stakeholders

This plan provides for specific actions, offers time frames for commencement, and identifies EPA staff responsible for each action's implementation. The specific actions outlined are all planned to commence within twelve months and many will be initiated immediately following the approval of the plan. Components of the plan may be revised to include additional actions that may be taken at any stage of feedback, preparation, or implementation. Again, such revisions, improvements, and even additions to the plan are anticipated as we engage with our many stakeholders on the plan's details in an effort to greatly enhance our partnerships throughout the Superfund process. Therefore, the plan was designed to be fluid, dynamic, adaptable and provide both substance and accountability. It will be a living, ever improving action plan.

The Task Force had many members participate. Over the course of this project, upwards of 80 highly experienced EPA professionals, including management and staff, were involved. Five groups, one for each goal, were formed to develop recommendations. The groups' chairs were Dana Stalcup, Ken Patterson, Karen Melvin, Betsy Smidinger, Monica Gardner, Debra Morey, Frank Avvisato, Matthew Tejada, Greg Gervais, Silvina Fonseca and Cyndy Mackey. These individuals used their extensive program knowledge and experience to develop the specific actions identified in the plan. Additionally, many unsolicited, but welcome, letters and white papers were received from industry, trade groups and individual companies which were considered by the Task Force members. Ultimately, the Task Force carefully considered many proposed recommendations but put forth a specific set of actions that could make a difference and meet the charge from the Administrator. Many of these recommendations will be the basis for future actions and plan revisions.

The Superfund Task Force Report identifies a number of opportunities to accelerate cleanup and reuse of Superfund cleanups. This effort identified 42 recommendations that can be initiated without legislative changes during the next year. These recommendations and other innovative ideas will be considered and applied to Superfund Sites with priority given to addressing NPL sites.

A summary of the proposals is the following:

- High attention is given to the Administrator's keen focus on sites that have seemingly taken far too long to remediate. This will be accomplished by:
 - *Establishing an "Administrator's Top Ten" list which will get his weekly attention.*
 - *Directing inquiry and resources as necessary to sites that have been on the NPL for five years or longer without a significant movement.*
 - *Reviewing all remedy review and approval authorities so as to have consistency across the nation.*
- Third party investments in NPL cleanups will become an operational way for the agency to accelerate cleanups and promote reuse of NPL sites. This will be done by identifying reuse candidate sites that are selected to pilot innovative tools and incentives. This includes:
 - *Publicizing site-specific information, including reuse fact sheets to inform the community and developers about properties with reuse potential.*
 - *Engaging communities in identifying cleanup and reuse opportunities.*
 - *Entering into site-specific agreements that define the responsibilities and liabilities of a third party investor.*
 - *Utilizing alternative approaches to financing site cleanups, including environmental liability transfer approaches.*
 - *Working with PRPs to better integrate reuse needs into cleanup activities.*
- NPL sites at which remedies have already been selected will be prioritized for faster completion and deletion from the NPL. Tools to achieve this goal include:
 - *Requiring Remedy Completion Strategies to identify next steps and track progress.*
 - *Conducting Optimization Reviews, including identification of fifteen sites at which to immediately pilot such review.*
 - *Implementing early response actions at selected portions of sites.*
 - *Finishing sites where construction is completed or nearly completed in order to transition the site from "Remedial Action" to "Ready for Reuse" to Deletion, as appropriate.*
- NPL sites in the assessment and investigation stages will be expedited by applying new technologies and approaches, including:
 - *Utilizing state of the art technologies, including using conceptual site model technologies at ten NPL sites.*

- *Increasing access to technical resources.*
- *Promoting Adaptive Management at Complex Sites, including using Interim/Early Actions.*
- *Clarifying Groundwater Cleanup Goals*
- Efforts to secure PRP commitments to perform timely, high quality cleanup will be invigorated. EPA will provide increased inducements and deterrents to encourage PRPs to quickly complete negotiations and cleanup commitments, including:
 - *Reducing oversight costs for PRPs that perform timely, high quality work. This may include a compromise that reduces indirect cost charging. It may also include designating a singular agency or third party to oversee certain aspects of the cleanup.*
 - *Increasing PRP and agency personnel adherence to project deadlines.*
 - *Utilizing enforcement authorities to get work underway quickly and to keep work on schedule.*
 - *Streamlining the dispute resolution process at Federal Facilities and private sites so that final decisions are promptly made and quickly implemented.*
- Development of strong stakeholder relationships is key to EPA's remediation success. This will include:
 - *Ongoing and robust dialogue with stakeholders*
 - *Use of the input and feedback from these stakeholders to continuously upgrade the plan*
 - *Higher focus on our Federal industry partners*
 - *Joint identification of barriers to success*

The Plan includes many more details and other actions. For those of us who were privileged to work on this project, we are pleased and excited to be a part of the EPA's core mission. The recommendations and associated actions in this plan should expedite reduction of risks to human health and the environment and accelerate the reuse of properties affected by hazardous waste contamination. The recommendations and specific actions will benefit our citizens now and those of generations to come.

June 21, 2017
Environmental Protection Agency
Superfund Task Force
Washington, DC

GOAL 1: EXPEDITING CLEANUP AND REMEDIATION

STRATEGY 1: EVALUATE AND ACCELERATE NATIONAL PRIORITIES LIST (NPL) SITES TO COMPLETION

Background: As of June 21, 2017, there are 1,336 sites on the National Priorities List (NPL). These sites (and portions thereof) are in various stages of investigation, cleanup, and reuse. As sites have been added, EPA has chosen to spread its resources across the Superfund pipeline to maximize its ability to make incremental progress at a majority of the sites. An effort to accelerate remedial action and NPL completions will involve re-prioritizing some resources to focus on remedial actions, construction completions, ready-for-reuse determinations, and deletions.

RECOMMENDATION 1: Target NPL Sites That Are Not Showing Sufficient Progress Towards Site Cleanup and Completion

Specific Actions:

- Develop a list of potential NPL sites to target for completion based on any the following criteria:
 - o Five years listed on the NPL without a selected action;
 - o Remedy design not started for a remedy selected more than 2 years ago;
 - o Remedial action not started which have a Potentially Responsible Party (PRP); or,
 - o Sites with special accounts with a remedial design completed more than 2 years ago.
- As sites are completed, replenish the NPL-targeted list.
- Establish a Top Ten Administrator's Emphasis List on sites determined to need immediate and intense attention:
 - o Determine method for designating sites;
 - o Find obstacles to completion and address them;
 - o Report progress through monthly reports submitted directly to the Administrator; and,
 - o As sites are completed, replenish the list.
- Determine any site where human exposure is not under control and prioritize effecting control.
- Develop recommendations for a process for working with Regions to:
 - o Establish metrics on all sites to track progress, including PRP lead, length of time to estimated partial or complete deletion, costs anticipated, etc.;
 - o Develop project timelines and exit strategies; and,
 - o Track and report progress on achieving/meeting timelines.

Timeframe: Commence activities within 30 days of approval of this plan

RECOMMENDATION 2: Develop Strategies for NPL Sites where Remedies have been Selected to Move Sites Towards NPL Deletion

Specific Actions:

- Prepare and issue a directive to establish and adhere to a process for tracking and reporting on the progress towards site completion.
- Track remedy completion progress within Superfund Enterprise Management System (SEMS) or with other tracking methods if more efficient.
- Conduct regional and Headquarters work planning sessions semi-annually to discuss and develop strategies for site completion.
- Provide to the Administrator an annual report of sites progressing to completion.
- Review and revise the NPL deletion policy to maximize statutory flexibility.
- Focus resources on maximizing deletions/partial deletions for sites that meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) requirements.

Timeframe: Commence activities within 30 days of approval of this plan

STRATEGY 2: PROMOTE THE APPLICATION OF ADAPTIVE MANAGEMENT AT COMPLEX SITES AND EXPEDITE CLEANUP THROUGH USE OF EARLY/INTERIM RODS AND REMOVAL ACTIONS

Background: Adaptive Management is an approach used at large and/or complex sites that focuses limited resources on making informed decisions throughout the remedial process. Adaptive management requires the development of a clear site strategy with measurable decision points, and focuses site decision making on a sound understanding of site conditions and uncertainties. Based on site uncertainties, decisions are made from data collection, to remedy selection and implementation that allow for the ability to adapt in the event that these uncertainties result in fundamental changes to site conditions.

Under an Adaptive Management strategy, Regions are encouraged to consider greater use of early and/or interim actions including use of removal authority or interim remedies, to address immediate risks, prevent source migration, and to return portions of sites to use pending more detailed evaluations on other parts of sites. The characterization data collected to support the early/interim actions can be used to update the site Conceptual Site Model (CSM) and reduce time and costs associated with the Remedial Investigation/Feasibility Study (RI/FS). This approach will be most effective at contaminated sediment and complex groundwater sites where using removals or early actions to address sources or areas of high contamination is highly efficient. US EPA's 2017 Directive (9200.1-130) memo reiterates EPA's stated bias for initiating responses as soon as the information makes it possible to do so and recommends the use of removals or early actions to quickly address high risk areas. US EPA's 1996 Directive (9283.1-12) outlines the "phased approach" strategy for addressing contaminated groundwater integration, site characterization, early actions, and remedy selection.

RECOMMENDATION 3: Broaden the Use of Adaptive Management (AM) at Superfund Sites

Specific Actions:

- Prepare a directive outlining adaptive management, including greater use of early actions and interim Records of Decision (RODs), and considerations for implementation at Superfund sites.
- Identify pilots to demonstrate AM implementation throughout the pipeline.
- Communicate success stories in this area.

Timeframe: Q3, FY18

STRATEGY 3: CLARIFY POLICIES/GUIDANCE TO EXPEDITE REMEDIATION

Background: Regions should be consistent in prioritizing RI/FSs to identify those sites that need more immediate action in order to help focus available funds and resources. Targeting our efforts, resources and funding may achieve efficiencies in both performance and results. This will foster cooperative partnerships, shorten review times, target sampling and analysis, foster creative thinking, provide a higher level of program accountability and communicate EPA's commitment to the public. In order to accomplish this, the program should focus resources (funds and personnel) to activities associated with NPL sites and establish timeframes and financial limits for conducting RI/FSs.

The principles of groundwater restoration are key concepts outlined in CERCLA and the National Contingency Plan (NCP). Developing improved guidance in this area may help facilitate more timely remedy decisions and make use of the flexibilities inherent within the statute and the NCP. Flexibilities include: using a phased approach, considering monitored natural attenuation, determining whether a technical impracticability waiver is warranted, etc. These strategies, considered early in the cleanup process, may allow for early stakeholder consensus and input and more expedient implementation of remedies.

Currently, the National Remedy Review Board (NRRB) and Contaminated Sediments Technical Advisory Group (CSTAG) are review boards for high-cost sites and sediment sites respectively. Current policy provides that all remedy decisions over \$50 million, which require approval by the Administrator, undergo an NRRB review. Both national consistency and expediting remedy completion are goals of this Administration.

RECOMMENDATION 4: To Better Promote National Consistency and Review, Update the Authority for Approval of the Remedy Selection While Considering the Retained Authority of the Administrator

Specific Actions:

- Review the current approval and review authority for sites in excess of \$50 million.
- Review current approval and review authority for all sediment sites.
- Create new procedures with timelines for review of remedies in excess of \$50 million or that have sediment sites.
- Prepare protocol for submission of remedy proposals to the Administrator.
- Determine all current levels of authority to approve remedies.
- Evaluate proper levels of authority in light of the Administrator's directive.
- Make recommendations to the Administrator.

Timeframe: Q1, FY18

RECOMMENDATION 5: Clarify Priorities for RI/FS Resources and Encourage Performing Interim/Early Actions During the RI/FS Process to Address Immediate Risks

Specific Actions:

- Develop criteria for Regions to apply when prioritizing projects so that resources are directed in the order of priority. Include time limits for completing RI/FS.
- Evaluate EPA retaining engagement and direction of the Feasibility Studies.
- Prepare and issue policy memorandum that requires Regions to:
 - Focus on NPL sites first;
 - Establish criteria for prioritizing RI/FSs;
 - Set time and funding parameters for RI/FSs; and,
 - Promote and direct use of early/interim actions.

Timeframe: Q1, FY18

RECOMMENDATION 6: Provide Clarification to the Principles for Superfund Groundwater Restoration

Specific Actions:

- Draft a proposed policy for Clarification of Groundwater Flexibilities with special emphasis directed to early action and the phased approach of remedy selection and implementation. Once drafted and approved, distribute the Policy and provide outreach and training.
- Evaluate the groundwater beneficial use policy with a focus on beneficial use determinations for aquifers not reasonably anticipated for drinking water use in the near-term or long-term.
 - Maintain current policy for drinking water aquifers that are currently used for these purposes.
 - For aquifers not reasonably anticipated for drinking water use in the near- or long-term, consider modifying how groundwater use designation is determined for these aquifers.

(The revised strategy should reflect the input from Office of Water and partners to CERCLA cleanups (e.g. federal facilities, state and tribal governments, communities, and environmental organizations) when making these decisions.)

Timeframe:

1. Groundwater Flexibilities Policy Memorandum:
 - a. Draft – Q2, FY18
 - b. Final – Q4, FY18
2. Groundwater Use Criteria:
 - a. Options Paper for Management Consideration – Q3, FY18
 - b. Draft Policy Revision (if applicable) – Q4, FY18

STRATEGY 4: USE BEST MANAGEMENT PRACTICES, SYSTEMATIC PLANNING, REMEDY OPTIMIZATION, AND ACCESS TO EXPERT TECHNICAL RESOURCES TO EXPEDITE REMEDIATION

Background: Site characterization and remedial actions can take years to complete, especially when site conditions are complex and dynamic. Remedial activities should be continually reviewed and optimized in order to enhance the understanding of the changing site complexities and conditions.

Reinforcing the need for thorough systematic planning early in the process and throughout the project lifecycle as well as providing Remedial Project Managers (RPMs) the resources for systematic planning facilitation could significantly improve project efficiencies. Further, as site work progresses, emphasizing progress review through independent, third-party optimization¹ of the remedy and evolving site conditions can help ensure maximum effectiveness throughout the project life cycle. RPMs shall utilize best science and continue research on innovative technologies and cleanup approaches; while promoting Best Management Practices (BMPs) for optimization activities. Remedial Investigation/ Feasibility Study (RI/FS) planning will require development of tools and enhanced communication of internal and external resources to support these activities.

Recent developments in real-time investigation technologies and data visualization techniques offer opportunities to build robust understanding of site conditions portrayed in CSMs focused on root causes and high-value, targeted, remedial actions. Advances in electronic data capture and distance collaboration platforms enable project stakeholders to work as a team on RI/FS and Remedial Design/Remedial Action (RD/RA) activities, ensuring all stakeholder concerns are

¹ EPA defines optimization as: “Efforts at any phase of the removal or remedial response to identify and implement specific actions that improve the effectiveness and cost-efficiency of that phase. Such actions may also improve the remedy’s protectiveness and long-term implementation which may facilitate progress towards site completion. To identify these opportunities, regions may use a systematic site review by a team of independent technical experts, apply techniques or principles from Green Remediation or Triad, or apply other approaches to identify opportunities for greater efficiency and effectiveness.” For more information, reference the Office of Remediation and Technology Innovation June 2013 Guidance, “Remediation Optimization: Definition, Scope and Approach” available at https://clu-in.org/Optimization/pdfs/OptimizationPrimer_final_June2013.pdf

considered as the work is performed. In this way, the team can focus on taking actions that drive sites toward completion.

RECOMMENDATION 7: Promote Use of Third-Party Optimization Throughout the Remediation Process and Focus Optimization on Complex Sites or Sites of Significant Public Interest

Specific Actions:

- Expand the use of third-party optimization evaluations throughout all phases of the pipeline on selected sites.
- Determine complex sites and sites of significant public interest:
 - Provide internal or external review and support for key project milestones;
 - Identify opportunities for efficiencies and cost savings; and,
 - Ensure a clear path to project completion.

Timeframe: Q1, FY18

RECOMMENDATION 8: Reinforce Focused Scoping Which Closely Targets the Specific Areas for Remediation and Identify and Use Best Management Practices (BMP) in the RI/FS Stage

Specific Actions:

- Prepare and issue a directive requiring the use of project scoping and outlining expected processes and procedures to be utilized in choosing the appropriate response action.
- Develop a plan to increase regional expertise to support this planning function.
- Study best management practices used across all Regions and adopt those nationally.

Timeframe: Q1, FY18

RECOMMENDATION 9: Utilize State-Of-The-Art Technologies to Expedite Cleanup

Specific Actions:

- Expand the use of real-time investigation technologies and data visualization techniques.
- Determine other available state-of-the-art technologies on at least an annual basis.
- Compile annual report of new technologies and their applicability.

Timeframe: Q2, FY18

RECOMMENDATION 10: Develop a Technical Support Team and Tools to Inform RPMs Regarding Available Resources to Assist with Best Management Practice (BMP) Applications, Including Scoping and Targeted Technical Reviews

Specific Actions:

- Finalize online catalog of in-house resources using Tech Hub.
- Develop analytical and reporting capabilities to evaluate, document, and disseminate information on pilot studies and other demonstrations of innovative tools and technologies.

- Increase awareness of and expand the existing ORD TSC Share Point site for requesting and tracking technical assistance requests for ORD TSCs and STLs.
- Combine or develop an additional tool for requesting and tracking OSRTI Environmental Response Team (ERT) technical assistance requests.
- Identify fifteen sites to undergo a Technical Support Team optimization review.

Timeframe: Q2, FY18

RECOMMENDATION 11: Review all Third-Party Contracting Procedures, Large EPA-Approved Contractors, and Contracts to Determine Appropriate Use Parameters and Qualification Methods for EPA Contracting

Specific Actions:

- Consult with regions to determine the current use parameters and frequency of use of third-party contractors.
- Review amount of funds expended on outside contractors agency wide, including review of budgeted allocations.
- Specifically examine sole source contracts and contractors.
- Determine authorization levels for use of contractors.
- Review all large contractors approved by EPA.
- Involve appropriate personnel to modify, if necessary, the protocol for use of outside contractors.

Timeframe: Q1, FY18

GOAL 2: RE-INVIGORATING RESPONSIBLE PARTY CLEANUP AND REUSE

STRATEGY 1: ENCOURAGE AND FACILITATE RESPONSIBLE PARTIES' EXPEDITIOUS AND THOROUGH CLEAN-UP OF SITES TO EFFECT RE-USE MORE QUICKLY

Background: At sites where responsible parties can be identified, the cost of remediation is intended to be borne by them. However, utilizing tools and procedures to assist these parties in their efforts is helpful to all stakeholders. Settlement can be reached sooner by providing incentives to performing parties. More importantly, proper use of incentives will reinforce the notion that cooperative parties who settle *early* will obtain significant benefits by doing so. Second, cleaning up a Superfund site can be completed faster and more efficiently by using incentives to reach expected milestones in the cleanup work. Third, enforcement authorities can be used as leverage in certain cases to get the cleanup started or to help reach settlement. Fourth, all parties can avoid the increased transaction costs associated with protracted negotiations.

Each of the federal facility agreements (FFAs) at federal facility NPL sites includes timelines for moving through the dispute process. These timelines were developed in order to ensure that work at Federal Facility (FF) NPL sites moved efficiently even in the case of disagreements between the parties. The dispute resolution process includes a commitment by the parties to make reasonable efforts to resolve disputes informally before invoking formal dispute procedures. Informal disputes and each of the stages of formal dispute have specific timeframes built into the FFAs. Reinforcing these timelines to ensure that the dispute resolution timelines are more closely adhered to will ensure that cleanup work is not unreasonably slowed when a disagreement between the FFA parties arises.

RECOMMENDATION 12: Recommend Consideration and Use of Early Response Actions at Superfund Sites, Particularly Sediment Sites, While Comprehensive Negotiations Are Underway for the Entire Cleanup

Specific Actions:

- Issue an Agency Directive requiring consideration of early actions and a separate track for Remedial Design (RD) actions at PRP-funded Superfund Sites. This should include (1) using parallel tracks for the remedial design and remedial action and (2) dividing cleanup work into manageable areas of response actions.
- Reissue/revise remedial design guidance.

Timeframe:

1. Q4, FY17
2. Q1, FY18

RECOMMENDATION 13: Identify Opportunities to Utilize Various Federal and State Authorities to Conduct Response Actions that are Consistent with CERCLA and the NCP

Specific Actions:

- Evaluate and develop criteria on utilizing alternate tools to pursue liable parties at NPL-caliber sites, including greater use of the Superfund Alternative Approach (SAA) in pursuit of cleanup.
- Where appropriate, use Resource Conservation and Recovery Act (RCRA), CERCLA, Safe Drinking Water Act (SDWA), and other Federal or State authorities to address hazardous waste sites where statutory requirements are met.
- Where appropriate, designate states as leads on sites.

Timeframe: Q1, FY18

RECOMMENDATION 14: Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment

Specific Actions:

- At sites where PRPs agree to perform cleanup work, prioritize use of special account funds as financial incentives. Consider, where applicable:
 - Reserving/prioritizing special account funds for sites with potential for redevelopment;
 - Disbursing funds quicker to a PRP when, for example, the PRP completes work ahead of schedule;
 - Providing reimbursement from special accounts to reduce the cost a PRP has incurred for cleanup at sites; and/or,
 - Delaying reimbursement from special accounts for response work until a PRP takes steps to increase potential for site reuse/redevelopment at sites where cleanup will enhance marketability of the property.
- Aggressively pursue additional opportunities to provide special account funds to Bona Fide Prospective Purchasers (BFPPs) that agree to perform cleanup work.
 - Develop guidance for disbursing special account funds to BFPPs.
 - Consider extending financial incentives available to PRPs to BFPPs.
- Establish and use special account funds to pay for EPA oversight (when any party is doing work).
- Maximize the use of special account funds to preserve scarce EPA and state resources.
- Evaluate for revisions EPA policy and guidance to reflect specific actions listed above.

Timeframe: Disbursement guidance: Q4, FY17

Identification of additional revised / new guidance: Q2, FY18

RECOMMENDATION 15: *Speed Up Settlement Process Where There Are Federal PRPs at a Site*

Specific Actions:

- Work with the Department of Justice (DOJ) and other Federal Agencies for policy changes that promote early decisions on whether Federal Agencies will participate in settlement negotiations.
- Finalize model Federal Agency settlement language for all settlement agreements (both administrative and consent decrees), and work with DOJ to promote consistent use of the model language by DOJ personnel.
- Establish model reservation language and standard procedures/timeframes to allow private parties to reserve:
 - Their rights to pursue certain contribution claims against the federal government.
 - Certain contract/indemnification claims against the federal government.

Timeframe: By Q1, FY18 reach agreement in principle at appropriate levels at DOJ on all three objectives. By Q2, FY18, finalize agreements reached and revise model documents.

RECOMMENDATION 16: *Provide Reduced-Oversight Incentives to Cooperative, High-performing PRPs, and Make Full Use of Enforcement Tools as Disincentives for Protracted Negotiations, or Slow Performance Under Existing Cleanup Agreements*

Specific Actions:

- Develop a plan to provide financial incentives in the form of reduced oversight to PRPs who perform timely, quality work under an agreement by reducing the costs associated with EPA's oversight, including adjustments to indirect costs.
- Determine current Regional practices, including actual charges that currently compose indirect costs
- Create a National Workgroup to identify circumstances under which a reduction in oversight costs would be appropriate.
- Develop guidance to assist Regional staff in application and identification of milestones at specific sites, establishing criteria for deliverables, and determining appropriate level of compromise of oversight costs during settlement.
- Develop model language for settlement documents relating to establishment of milestones and level of compromise of oversight costs.
- Identify efficiency opportunities for timely resolution of disputes (including evaluating whether protracted "informal" dispute resolution is advisable) with PRPs that arise in implementing cleanups.
- Establish and promote strict adherence to project deadlines.
- Assess stipulated penalties when deadlines are to motivate timely adherence to deadlines.
- Trigger work takeover provisions when multiple deadlines are missed and access financial assurance when appropriate.
- EPA will meet its own review deadlines when PRPs are performing quality work and will:

- Publish response work completion schedules and milestones on EPA websites.
- Consider incentives to all parties to meet the deadlines proposed.
- Prohibit PRPs from multiple chances to revise the same document when initial submittal is subpar.
- Actively use enforcement authorities, including more prevalent issuance of unilateral orders to recalcitrant parties to discourage protracted negotiations
 - As needed, implement “participate and cooperate” orders – particularly for Remedial Actions.
 - Emphasize the use of “delayed effective date” unilateral administrative orders as an incentive to speed negotiations.

Timeframe: Criteria for Reduced Oversight, Draft Q1, FY18. Guidance and model language for Reduced Oversight, Final Q3, FY18. Guidance, policy changes to support disincentives to protracted negotiations or delayed cleanup, Draft Q1, FY18.

RECOMMENDATION 17: Adjust Financial Assurance (FA) Required Under Enforcement Documents to Reduce Cooperating PRP’s Financial Burden While Ensuring Resources Are Available to Complete Cleanups

Specific Actions:

- Review EPA’s financial assurance requirements and consider modification to promote realistic requirements. This review should consider (1) defining situations where it may be appropriate for parties to incrementally provide FA for the various phases of cleanup work as they occur; (2) adjusting the discount rate used in the calculation of the cost of future work and (3) identifying other opportunities for achieving a responsible balance between the cost of financial assurances and the risk of financial default.
- Modify model settlement provisions, as needed.

Timeframe: By Q1, FY18, reach agreement in principle on all criteria for identifying PRPs that could be subject to reduced FA burdens. By Q2, FY18, finalize model FA-related language.

RECOMMENDATION 18: Reinforce the Federal Facility Agreement Informal and Formal Dispute Timelines

Specific Actions:

- Develop a policy for the Regions, to be shared with, or ideally co-signed by, federal agencies and the states, which reinforces the importance of adhering to the informal and formal dispute timelines identified in the FFAs.
- Track and report to Regions, Federal Agencies, and States the informal and formal dispute times and postponement of milestones.

Timeframe: Q1, FY18

STRATEGY 2: CREATE OVERSIGHT EFFICIENCIES FOR PRP LEAD CLEANUPS

Background: Cleanup decisions and implementation often take a long time due to the number of people and issues involved. Oversight efficiencies can be realized and costs can be reduced if responsibility for overseeing cleanup is clarified and better distributed.

RECOMMENDATION 19: Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication

Specific Actions:

- Increase use of Memoranda of Understanding with federal agencies, states and tribes to identify lead agencies for each site and roles and responsibilities for each.
- Identify situations or phases of cleanup for which certain agencies should have primary responsibility (e.g., tribal/state/local responsibility for long-term stewardship of sites).

Timeframe: FY18

RECOMMENDATION 20: Identify Opportunities to Engage Independent Third Parties to Oversee Certain Aspects of PRP Lead Cleanups

Specific Actions:

- Create a workgroup to research existing state programs and identify opportunities for independent third parties to perform certain fixed tasks at NPL sites.
- Design and implement a pilot that utilizes independent third parties to oversee certain actions, such as long-term monitoring.
- Evaluate pilot effectiveness and efficiency
- Have workgroup recommend use or non-use of pilot procedures.

Timeframe: FY18

STRATEGY 3: PROMOTE REDEVELOPMENT/REUSE OF SITES BY ENCOURAGING PRPS TO INVEST IN REUSE OUTCOMES

Background: Under the current paradigm, PRPs may resist engaging with third parties to facilitate reuse. To overcome such resistance, EPA should understand and address the legal, financial and technical burdens that may arise when a third party wants to build on a contaminated site. For instance, some uses may require additional cleanup beyond what is necessary to stabilize a site for protectiveness; some uses involve a project schedule that differs from the cleanup and some uses may complicate the long term maintenance obligations for the property.

RECOMMENDATION 21: Facilitate Site Redevelopment During Cleanup by Encouraging PRPs to Fully Integrate and Implement Reuse Opportunities into Investigations and Cleanups of NPL Sites

Specific Actions:

- Work with PRPs, local governments, and local professionals to identify opportunities for PRP-lead cleanups to integrate reuse outcomes.
- Issue an Agency Directive to encourage integration of reuse outcomes into PRP-led cleanups. This should include encouraging (1) PRPs to work with end users to perform assessment and additional cleanup/enhancement to achieve reuse objectives; (2) PRPs to directly fund or perform enhanced cleanup or “betterment” by entering into agreements with end users; and, (3) “marketing” of property undergoing cleanup as a deliverable to encourage private investment at sites during and after cleanup. This directive should include creative mechanisms for incentivizing these reuse actions, including financial credits for such actions.

Timeframe: By Q1, FY18 engage with PRPs to identify barriers and explore opportunities to encourage reuse. This action item should be closely coordinated with the activities under Goal 3.

GOAL 3: ENCOURAGING PRIVATE INVESTMENT

STRATEGY 1: USE ALTERNATIVE AND NON-TRADITIONAL APPROACHES FOR FINANCING SITE CLEANUPS

Background: Private sector tools and approaches to manage environmental liabilities and risks are important to the cleanup and reuse of contaminated sites. Some PRPs engage in contractual arrangements to pay a premium for unknown risks and transfer responsibilities to environmental remediation companies where the Superfund site cleanup has a fair degree of certainty. These arrangements may be in the form of an insurance policy, annuity, a designated agent, or an agreement to allow a third party to assume all obligations for remediation and legal liability. However, as provided by CERCLA section 107(e)(1), even the most comprehensive arrangement does not legally bar the government from pursuing the PRP at a later date. Such arrangements tend to be reasonably specific to the circumstances of a site, but they can help expedite the cleanup and reuse of a site. EPA recognizes that it should support, where appropriate, innovative approaches to promote third-party investment in cleanup and reuse of contaminated properties consistent with statutory authorities and needs to consider mitigating its retained rights.

RECOMMENDATION 22: Explore Environmental Liability Transfer (ELT) Approaches and Other Risk Management Tools at PRP cleanups

Specific Actions:

- Conduct stakeholder outreach that includes:
 - Industry professionals to discuss their products and the industry climate;
 - PRPs who have used an ELT or other risk management tools (e.g. liens on property, bonds, trusts, or insurance) to discuss their experience;
 - Contractors who have successfully been parties to ELTs; and,
 - States to discuss their experiences with ELTs.
- Establish a national workgroup to identify:
 - Creative uses of insurance, annuities, indemnification and other tools for third parties interested in buying/selling the risk of cleanup;
 - Types of remedial actions, site conditions, and PRPs that stand to benefit from this risk management tool;
 - When it is appropriate to use comfort/status letters or settlement tools to provide certainty to encourage and/or reassure PRPs contemplating using an ELT or other tool; and,
 - Whether a pilot program using these risk management tools at appropriate sites is feasible.

Timeframe: Q4, FY18

STRATEGY 2: STREAMLINE THE PROCESS FOR COMFORT LETTERS AND SETTLEMENT AGREEMENTS WITH THIRD PARTIES

Background: The 2002 Brownfield Amendments to CERCLA added new landowner liability protections, including the Bona Fide Prospective Purchaser (BFPP) protection, to address the liability concerns that act as a barrier to the cleanup and reuse of contaminated properties. Congress intended these liability protections to be self-implementing, although some third parties still remain concerned about potential liability and the availability of the BFPP protection at contaminated properties (see *Ashley II*²). As a result, at some sites, a site-specific tool may be needed for third parties to address liability concerns before the third party can move forward with the cleanup and reuse of the site. EPA's primary tools to address the CERCLA liability concerns of third parties are comfort/status letters and settlement agreements. These site-specific tools have enabled some cleanup and reuse at sites on the NPL to move forward where liability concerns posed a barrier. However, more substantive tools must be used.

RECOMMENDATION 23: Ensure Timely Use of Site-Specific Tools When Needed and Appropriate to Address Liability Concerns at Contaminated Sites

Specific Actions:

- Identify regional best management practices for addressing purchaser liability concerns and how to respond to inquiries with site-specific comfort/status letters and agreements.
- Issue recommendations for improvements to the process for responding to requests for site-specific tools and the creation of regional third-party inquiry teams. (See Region 4 procedure).
- Develop a model request for prior written approval of site-specific letters and agreements to streamline and expedite regional/headquarters/DOJ approval process.
- Expand use of prospective purchaser agreements for BFPP and PPs to specifically limit their liability.
- Participate on national team of redevelopment experts (discussed in Goal 4) to support development of streamlined and innovative liability clarification and settlement approaches.

Timeframe: FY17

RECOMMENDATION 24: Create and Maintain an OECA Information Repository to Provide Access to Enforcement Information and Tools to Support Third-Party Cleanup and Reuse.

Specific Actions:

- Enhance EPA's web content to include case studies, statistics and other relevant information regarding site-specific comfort/status letters, agreements and other enforcement tools and approaches that have supported third-party cleanup and reuse.
- Establish a list of sites with greatest potential for cleanup/reuse by third parties and focus resources and activities at those sites.

² *PCS Nitrogen v. Ashley II of Charleston, LLC*, 714 F.3d 161 (2013).

- Create a national library, for internal EPA use, of sample comfort/status letters and settlement agreements.

Timeframe: FY17

STRATEGY 3: OPTIMIZE TOOLS AND REALIGN INCENTIVES TO ENCOURAGE THIRD-PARTY INVESTMENT

Background: Before the enactment of the Brownfield Amendments to CERCLA, Prospective Purchaser Agreements (PPAs) and comfort/status letters were used by Regions to address the CERCLA liability concerns of parties who wanted to reuse contaminated properties. Comfort/status letters were developed as an efficient tool, where a settlement agreement is not appropriate, to provide prospective purchasers and other parties with the information EPA has about a particular party, EPA's intentions with respect to the property as of the date of the letter, and the liability protections that may be available to the party. (See 2015 Revised Comfort/Status Letter Policy and Models.) After the addition of the landowner liability protections by the Brownfield Amendments, EPA issued enforcement guidance which explained that EPA involvement is no longer necessary in most private party transactions given the self-implementing nature of the protections and that EPA generally will no longer be entering into PPAs. In 2006, in recognition that BFPPs at some sites might be interested in performing cleanup work beyond what would be expected of them to maintain their BFPP liability protection (e.g., conducting cleanup work beyond the statutory requirement to take "reasonable steps" to prevent or limit exposure and stop continuing or threatened releases at the site), EPA issued a model agreement for BFPPs who are interested in performing Superfund removal work. EPA also has developed a model agreement to resolve an existing or potential "windfall lien" with interested BFPPs.

RECOMMENDATION 25: Update EPA's Position on the Use of Site-Specific Agreements with Third Parties at NPL Sites

Specific Actions:

- Develop and issue a new policy memorandum, working with the Office of General Counsel (OGC), Department of Justice (DOJ), and other EPA offices, which provides for the greater use of PPAs and windfall lien resolution agreements with third parties in addition to BFPP agreements consistent with CERCLA/DOJ authority at NPL sites. The policy should identify what situations, in addition to performing work, would justify entering into negotiations for written agreements.
- Develop a communications roll out plan announcing new policy statement and approach, including web and social platforms.
- Regularly publicize successful agreements that allow sites to be redeveloped by third parties.

Timeframe: FY17

RECOMMENDATION 26: Revise EPA's Model Agreements to Create More Opportunities for Settlement with Third Parties Interested in Cleaning Up and Reusing NPL Sites

Specific Actions:

- Identify opportunities (with Regions, OGC, and DOJ), as appropriate within existing statutory authorities, to update the model BFPP work agreement, PPA model, and model windfall lien settlement agreement to:
 - Identify provisions in the models that may be revised to incentivize settlement;
 - Research the types of consideration authorized for a settlement agreement; and,
 - Explore options to address future liability concerns to insulate good faith purchasers from unexpected liability (e.g., identify “reasonable steps”).
- Reinstitute the PPA tracking system allowing EPA to track individual requests, evaluate the timeliness of EPA's response, and identify where in the PPA process delays are occurring.
- Designate an agreements coordinator at EPA Headquarters to consult directly with DOJ to quickly resolve issues that impede progress.
- Evaluate and issue recommendations for revisions to model settlement provisions, other types of authorized consideration, and options to address future liability consistent with CERCLA and DOJ authority.
- Revise model agreements.

Timeframe: Q4, FY17

RECOMMENDATION 27: Identify Tools for Third Parties Interested in Investment or Other Opportunities Supporting the Cleanup or Reuse of NPL Sites

Specific Actions:

- Conduct outreach to third-party investors who may provide private financing or otherwise become involved in transactions involving contaminated or previously contaminated property to identify specific liability concerns acting as a barrier to investment or other opportunities in such transactions.
- Identify potential new tools and approaches, as appropriate within existing statutory authorities, to address liability concerns of parties who might acquire property (e.g., enforcement guidance, model reuse assessment agreement, prospective operator agreement, prospective easement agreement).
- Work with lenders to determine standard language to be included in PPAs to facilitate financing.
- Identify public-private partnership investment opportunities and structure for successful arrangement.
- Issue recommendations on potential tools, approaches and opportunities.

Timeframe: Q2, FY18

RECOMMENDATION 28: Provide Greater “Comfort” in Comfort/Status Letters

Specific Actions:

- Assess concerns that are not being addressed by the current model comfort letter (e.g., windfall lien uncertainties, comprehensive reasonable steps, lender liability).
- Work with lenders to determine standard language to be included in comfort letters that would allow for certainty in securing funding from lenders for redevelopment of Superfund sites.
- Identify revisions to the model letter, consistent with the statute and legal authorities, to address these concerns, possibly including:
 - Stronger statements by the Agency to address liability concerns; (e.g., BFPP status, applicability of statute of limitations);
 - Clarifications on the application of EPA guidance at a site; and,
 - EPA’s intention regarding windfall liens evidenced by appropriate documents.
- Revise and reissue comfort/status letter model.

Timeframe: FY18

RECOMMENDATION 29: Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites

Specific Actions:

- Outline a potential new policy, as appropriate within existing statutory authorities, for developers, lenders, investors and/or other third parties to identify or create opportunities for new investment in cleaning up contaminated sites:
 - Propose potential revisions to the “Common Elements Guidance” based on case law developments and lessons learned by EPA and private sector.
 - Identify potential opportunities to expand Good Samaritans or other non-labile party approaches under section 107(d) for addressing liability issues and promoting sustainable redevelopment.

Timeframe: FY18

RECOMMENDATION 30: Revise Federal Facility Enforcement Guidance

Specific Actions:

- Develop Model Federal Facilities Language for placing Federal Facilities Agreement (FFA) provisions on hold in instances where a third party wants to perform the cleanup work.
- Revise the 1997 “Policy Towards Landowners and Transferees of Federal Facilities” to assist with pre-1986 transfers of U.S. land.

Timeframe: Q2, FY18 months to develop model language for putting FFAs on hold; Q3, FY18 months for revising the 1997 policy

STRATEGY 4: ADDRESS LIABILITY CONCERNS OF LOCAL GOVERNMENTS

Background: Local governments play an integral role in facilitating the cleanup and reuse of contaminated properties. By acquiring contaminated properties, local governments have the opportunity to evaluate and assess public safety needs and promote redevelopment projects that will protect and improve the health, environment, and economic well-being of their communities. Although local governments may take advantage of the statutory liability protections, including the “involuntary acquisition” protection in section 101(20)(D), the innocent landowner defense in section 101(35)(A), and the BFPP protection, these governments continue to raise potential liability concerns about the acquisition of contaminated property as a barrier to reuse. Local government liability concerns at contaminated properties include the timing of and the cost associated with conducting due diligence, the meaning of “involuntary acquisition” in the statutory provisions, and the need for tools specific for local governments.

RECOMMENDATION 31: Develop New Local Government Enforcement Guidance to Address Concerns Raised by the Landowner Liability Provisions Potentially Applicable to Local Governments

Specific Actions:

- Propose potential new enforcement guidance to address liability issues acting as a barrier to reuse for local governments, including issues raised by the applicability of the statutory liability protections potentially applicable to local governments.
- Issue recommendations for an enforcement guidance.

Timeframe: Q4, FY18

RECOMMENDATION 32: Develop a Model Comfort/Status Letter and Other Tools to Address the Liability Concerns and Other Barriers Unique to Local Governments

Specific Actions:

- Identify potential new tools and approaches to address the liability concerns and barriers unique to local governments (e.g., model comfort/status letter, streamlined settlement agreement, deferrals, MOU/MOAs, cost-share credits).
- Draft white paper that identifies options and positives/negatives.
- Issue recommendations.

Timeframe: Q4, FY18

GOAL 4 – PROMOTING REDEVELOPMENT AND COMMUNITY REVITALIZATION

STRATEGY 1 - FACILITATE SITE REDEVELOPMENT AND SUPPORT ONGOING INFORMATION SHARING

Background: Building capacity and providing training to EPA, Federal, state, tribal and local government staff, elected officials, and other community-based organizations on: the overall site cleanup process as it relates to redevelopment potential; key components of land use and economic development planning; and funding and financing tools will provide better support to communities and promote redevelopment of Superfund sites. Local planning departments and elected officials are critical in developing land use alternatives especially during the RI/FS phase of cleanup. Making sure interested parties have the training and basic knowledge regarding the site cleanup process will inform future use decisions and facilitate interested parties ability to promote redevelopment at Superfund sites.

Providing training that identifies specific actions a community can take in the near term will help community stakeholders understand the market potential/limitations of the site, including how they can make the site more attractive to future development. Initial work by a community demonstrates commitment to site reuse, and signals to developers that the community is a willing partner.

Reuse is further promoted when the community, including developers, has access to more information about an individual site and the sites around it. This includes determining which types of sites businesses/industries/developers are interested in potentially redeveloping and sharing information with them to promote Superfund site redevelopment.

RECOMMENDATION 33: Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse

Specific Actions:

- Focus reuse training, tools, and resources on the current list of NPL sites with the most redevelopment potential based on transportation access, land values, and other critical real estate market drivers.
- Identify 20 NPL sites with greatest reuse and commercial potential considering input from regions and agreed upon criteria.
- Identify the industries and businesses that may be interested in reusing Superfund sites especially the industries that may be interested in reusing the list of 20 NPL sites that have high redevelopment potential.
- Help these businesses and developers understand liabilities and ongoing obligations at sites they are interested in.
- Develop information package for all identified sites using successes from Region 4.

Timeframe: Q4, FY2017

RECOMMENDATION 34: Publicize Site Specific Information to Promote Community Revitalization

Specific Actions:

- Develop a geographic information system (GIS) based map of the U.S. that clearly shows site information, outlines reuse potential, and provides links to relevant documents (ICs, RODs, Five Year Reviews, Brownfield assessment, cleanup, consent orders, etc.) and other key information such as other nearby sites and community demographics.
- Highlight and make more readily available the current cleanup status of the site.
- Develop site specific reuse fact sheets during design, construction and post construction phases that would provide information of interest to the community and developers.
- When appropriate, develop a Ready-for-Reuse Fact Sheet as a mechanism for providing key site information to the community, developers and other potential site users. Include relevant key information for every site, update them regularly, and include contact information. Site owners should be contacted and if possible, included on the sheet as they control land use.
- Update information about sites achieving Site Wide Ready for Anticipated Use (SWRAU) early in the process and update on an annual basis. Include information about the reuse status of SWRAU sites.
- Make all site-specific information and reports readily accessible, including information on existing or needed Institutional Controls (ICs)/Engineering Controls (ECs), so developers and other future users are aware of site conditions.

Timeframe: Q3, FY17

RECOMMENDATION 35: Build Capacity of EPA and Its Stakeholders on the Broad Community and Economic Development Context for Site Remediation and Redevelopment

Specific Actions:

- Conduct redevelopment training in all regions with Superfund, Brownfields, and legal staff on:
 - Existing tools, innovative strategies, and new tools being developed by the SF Task Force;
 - Redevelopment basics, such as incorporating reuse into the cleanup process and reuse assessments;
 - Environmental Liability Transfer and other risk management tools;
 - Financial, social and environmental benefits of conservation easements;
- Provide ongoing updates to EPA staff and stakeholders about reuse barriers and what EPA can do to address them.
 - Promote the Superfund redevelopment process at national meetings and educational opportunities for stakeholders.
 - Identify best ways to engage more tribes in site cleanups on tribal lands with a focus on reuse throughout the process.

Timeframe: Q3, FY17

RECOMMENDATION 36: Engage Superfund Communities in Cleanup and Redevelopment

Specific Actions:

- Provide training/fact sheets/on-line information on the following (based on the needs of the community):
 - The Superfund and Brownfields processes;
 - The interplay of federal, state, and local governments; effective communication; leadership; finance; sustainable redevelopment principles, etc;
 - How to undertake market studies and identify assets/challenges specific to the site;
 - The development approval processes, codes, design standards and/or public private financing packages that can help facilitate clean up and re-use;
 - How the redevelopment of the site fits with a broader vision for the economic revitalization for the community;
 - Best practices and case studies from other communities;
 - Which grants or other types of support might be available to help communities implement their site reuse vision;
 - Tools/approaches necessary for local governments or regional councils of government to encourage investment/leveraging, especially in soft markets;
 - Types of up front public or public-private investment that are generally successful in catalyzing redevelopment and community revitalization;
 - Funding/financing mechanisms (e.g. Community Reinvestment Act, CDFI's, New Market Tax Credits, P3 financing) available to local communities;
 - Community partners and other resources available to Superfund communities that can provide design charrettes, and other reuse visioning support;
 - Other agencies that can provide support to on-the-ground community design assistance for neighborhoods that contain Superfund sites;
 - Sustainable and equitable development approaches and how they can be utilized during the cleanup and reuse planning process; and,
 - Practices such as insurance tools that protect the developer from liability;

Timeframe: Q3, FY17

RECOMMENDATION 37: Recognize and Replicate Local Site Redevelopment Successes

Specific Actions:

- Issue more “Excellence in Site Reuse” awards across regions to recognize communities, local governments and/or developers who have gone “above and beyond.”
- Develop an incentive program to recognize and facilitate redevelopment.

Timeframe: Q4, FY17

STRATEGY 2: UTILIZE REUSE PLANNING TO LAY THE FOUNDATION & SET EXPECTATIONS FOR SITE REDEVELOPMENT

Background: EPA can play a significant role in helping communities realize the associated health, economic and social benefits that accompany Superfund site redevelopment. Cleanup must be coupled with assistance that addresses neighborhood and community challenges to redevelopment to expand the community's ability to redevelop sites. That assistance includes identifying barriers to redevelopment and helping to overcome them.

Additionally, EPA can help communities find ways to enter into partnerships with more public/private organizations and private business organizations such as real estate professionals, lenders, and developers. Using these partnerships can facilitate reuse by identifying resources these partners may have or connecting the site with potential users interested in developing the site.

RECOMMENDATION 38: Support Community Visioning, Revitalization, and Redevelopment of Superfund Sites

Specific Actions:

- Create a national team of EPA and other Federal agency redevelopment experts.
- Offer technical assistance to local communities and/or site owner(s) in envisioning and developing an economically feasible redevelopment plan for the site.
- Provide help in gathering and sharing with all interested parties' information that goes beyond contaminant levels, reuse restrictions and liability concerns, such as market demand, infrastructure and priorities of the community.
- Help ascertain employment and job training opportunities that may be available for the affected community during the cleanup and redevelopment process.

Timeframe: Q4, FY17

RECOMMENDATION 39: Engage and Facilitate Public/Private Partnerships to Share Information, Resources, and Work Toward Advancing and Promoting the Revitalization of the Site.

Specific Actions:

- Identify other federal and state agencies that may be interested in the development and may provide additional resources (e.g., Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Agriculture (USDA)).
- Facilitate and take a proactive approach in involving additional funding institutions/organizations.
- Explore partnerships that could bring unique financing options to finance revitalization.
- Facilitate agreements that enable more non-labile parties to fund cleanups as part of site reuse activities. Facilitate their involvement by developing/sharing information such as "Top 10

Questions for a Non-Liable Party to Ask When Considering Cleanup at a Superfund Site” fact sheet.

- Facilitate interactions for local stakeholders/PRPs/communities to work together. Actively encourage PRPs to engage and be supportive of the process, demonstrating that an engaged community looking to the future can speed up cleanups, have realistic expectations, act as stewards, and promote successful reuse.
- Connect each community with a similarly situated community that has had revitalization success – even if from a different state (i.e., a reuse mentoring program).
- Leverage resources to help market these sites and promote their reuse.

Timeframe: Q3, FY17

GOAL 5: ENGAGING PARTNERS AND STAKEHOLDERS

STRATEGY 1: KEY STAKEHOLDER ENGAGEMENT

Background: Making the Superfund process more efficient and promoting revitalization to gain long-term benefits for impacted communities must necessarily include building stronger strategic partnerships with key stakeholders across the Superfund process. Such strong partnerships will serve as the underpinnings of this plan's other goals and the basis of relationships going forward.

We must deploy an assortment of partnership building activities and engagement opportunities to increase the collaboration with, and impact of, our key stakeholders. New activities and opportunities will be combined with ensuring that our traditional engagement activities include a focus on the goals of this Administrator's initiative.

Recommendation 40: Develop a Robust Communications Strategy to Identify and Target Key Stakeholders

Specific Actions:

- Execute a strategy that is inclusive of all stakeholders.
- Hold focused public and private dialogues with key stakeholders to strengthen long-term partnerships for clean-up and reuse of sites. Convene regularly scheduled meetings with:
 - States, local governments and federally recognized Native American tribes;
 - Industry, PRPs, contractors, corporations and other private organizations;
 - Community organizations;
 - Environmental organizations, including those related to environmental justice; and,
 - Financial and banking associations.
- Provide reports on dialogues and meetings in a form agreed upon with distribution as agreed.

Timeframe: Q4, FY17

Recommendation 41: For Federal Facility Sites, Collaborate with Other Federal Agencies (OFAs) to Solicit Their Views on How EPA Can Better Engage Federal Agencies

Specific Actions:

- Craft a plan to regularly engage solicitation of information from OFAs.
- Solicit OFAs to provide initial recommendations on how to achieve the Administrator's goals at their sites.
- Plan to include regular feedback sessions with other appropriate parties.
- Provide feedback to the identified central repository.

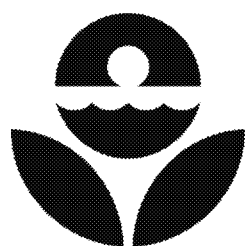
Timeframe: Commence activities within 90 days of approval of this plan

Recommendation 42: Use a Federal Advisory Committee to Work with a Broad Array of Stakeholders to Identify Barriers and Opportunities Related to Cleanup and Reuse of Superfund Sites

Specific Action:

- Establish a federal advisory committee to identify barriers and opportunities by:
 - Assessing PRP reuse concerns;
 - Obtaining state and local government concerns and opportunities;
 - Assessing input from local community champions;
 - Developing financing and infrastructure ideas;
 - Constructing new ways to address abandoned mining sites and contaminated sediment sites; and,
 - Proposing a methodology and forum for evaluating the effectiveness of the Task Force Recommendations in accelerating cleanup and reuse of Superfund Sites.
- Developing on-going reports of the committee findings

Timeframe: Commence activities within 180 days of this plan



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